To: Members of the Development Management Committee

Councillors:

Chair – T McCarthy
Deputy Chair – J Richards

B Barr, J Davidson, G Friend, T Higgins, L Hoyle,
C Jordan, L Ladbury, L Murphy, F Rashid and G Settle

26 September 2012

Development Management Committee
Thursday, 4 October 2012 at 6.30pm

Council Chamber, Town Hall, Sankey Street, Warrington

Agenda prepared by Louise Murtagh, Democratic Services Officer –
Telephone: (01925) 442111, Fax: (01925) 656278,
E-mail: lmurtagh@warrington.gov.uk

A G E N D A

Part 1

Items during the consideration of which the meeting is expected to be open to
members of the public (including the press) subject to any statutory right of
exclusion.

Item 1. Apologies for Absence

To record any apologies received.
2. **Code of Conduct - Declarations of Interest**  
**Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

3. **Minutes**

To confirm the minutes of the meeting held on 23 August 2012 as a correct record.

4. **Planning Applications (Main Plans List)**


**Part 2**

Items of a "confidential or other special nature" during which it is likely that the meeting will not be open to the public and press as there would be a disclosure of exempt information as defined in Section 100I of the Local Government Act 1972.

**Non**

*If you would like this information provided in another language or format, including large print, Braille, audio or British Sign Language, please call 01925 443322 or ask at the reception desk in Contact Warrington, Horsemarket Street, Warrington.*
DEVELOPMENT MANAGEMENT COMMITTEE

23 AUGUST 2012

Present: Councillor J Richards (in the Chair)
Councillors B Barr, J Davidson, G Friend,
P Carey (substitute for T Higgins), L Hoyle,
B Axcell (substitute for C Jordan), L Ladbury,
L Murphy, F Rashid, J Richards and G Settle

DM32 Apologies for Absence

Apologies for absence were received from Councillors T Higgins, C Jordan and T McCarthy

DM33 Code of Conduct – Declarations of Interest

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Minute</th>
<th>Reason</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Councillor L Hoyle</td>
<td>DM36</td>
<td>Cllr Hoyle had previously expressed an opinion on the application</td>
<td>Cllr Hoyle stood down from the committee and spoke in opposition to the application and did not take part in the vote</td>
</tr>
</tbody>
</table>

DM34 Minutes

Resolved,

That the minutes of the meeting held on 2 August 2012 were agreed as a correct record and signed by the Chair.

DM35 Planning Applications

Resolved,

That Pursuant to the Town and Country Planning Act 1990, Planning (Hazardous Substances) Act 1990 the applications for permission to develop land be considered and dealt with in the manner agreed.

DM36 2012/20047 Former HMS Gosling, Lady Lane, Croft, Warrington, WA3 7AY - Proposed demolition of existing buildings and construction of 25 No 4/5 bed houses (with solar panels), access and landscaping (resubmission of 2011/19144).

The Executive Director of Environment and Regeneration submitted the above application for approval subject to a Section 106 agreement.
Agenda Item 3

This application had been deferred from the previous meeting of the committee held on 2 August 2012 to enable a site visit to take place.

Representations were heard in support of and in opposition to the Officer recommendation.

Resolved,

That planning application 2012/20047 be granted permission subject to a Section 106 agreement.

Signed………………………

Dated ............................
<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
</table>
| 1    | 3    | 2012/19820   | LAND OFF TANNERY LANE, PENKETH, WARRINGTON, WA5 2UD  
Proposed stable block (resubmission of application 2012/19417)                                                                                                                                                | Refuse                          |
| 2    | 16   | 2012/20175   | LAND AT DOEFORD CLOSE, CULCHETH AND GLAZEBURY, WARRINGTON, WA3 4DL  
Proposed residential development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings), access roads and landscape works                                                                 | Approve subject to Sec 106 Agreement |
| 3    | 53   | 2012/20365   | RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY  
Proposed variation of condition 1 on permission 2011/18326 to require the compound, plant and machinery to be dismantled and removed from the site at least 8 weeks prior to site restoration (to allow site restoration in accordance with the approved restoration scheme) | Appr Co                         |
4 60 2012/20366  **RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY**
Application for variation of conditions 2 & 3 of permission 2011/18957 to extend completion of site restoration from 19th October 2012 until, or before, 31st March 2015 and allow continued importation of leachate via site haul road from 19th October 2012 until, or before, the final placement of restoration soils or the implementation of the leachate discharge point at the existing leachate treatment compound accessed via Silver Lane, whichever is the sooner

5 66 2012/20367  **RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY**
Proposed variation of condition 4 on permission 2010/17206 to allow restoration of the site to be completed on or before 31st March 2015 in accordance with the approved scheme

6 71 2012/20604  **MOSS SIDE FARM, SILVER LANE, RISLEY, WARRINGTON, WA3 6BY**
Proposed extension of the existing leachate treatment facility to provide a new leachate discharge point accessed via Silver Lane at the former Risley Landfill site
Plans List

<table>
<thead>
<tr>
<th>Item 1</th>
<th>04-Sep-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Number:</td>
<td>2012/19820</td>
</tr>
<tr>
<td>Location:</td>
<td>Land Off Tannery Lane, Penketh, Warrington, WA5 2UD</td>
</tr>
<tr>
<td>Ward:</td>
<td>Penketh And Cuerdley</td>
</tr>
<tr>
<td>Development:</td>
<td>Proposed stable block (resubmission of application 2012/19417).</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Towell</td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Refuse</td>
</tr>
<tr>
<td>Reasons:</td>
<td>Intensification of substandard access &amp; insufficient visibility</td>
</tr>
</tbody>
</table>

**Reason for Referral**

- The application is the subject of objections from Councillors Linda Dirir and David Keane, and Penketh Parish Council.

**Description**

- Proposal is for a stable block with new access road, fencing and gates.
- The application is a resubmission of a proposal withdrawn earlier in the year – concerns were expressed in respect of the previous scheme which the applicant has attempted to address with the current proposal.
- Proposed building has an ‘L’ shaped footprint situated at the northern end of a field.
- It is reduced in size from the previous proposal, now making provision for 4 horses rather than 6.
- Access would be via a stone access track from the east, where use would be made of an existing access from Tannery Lane.

**Location**

- The site is situated within the North Cheshire Green Belt, the adjacent carriageway forming the boundary.
- To the opposite side of the carriageway are residential properties facing across the currently open field.
- The field has a slight southwards downward gradient.
- A residential care home is situated approximately 80m to the east.
- The site is within a designated Major Wildlife Corridor.
Relevant History

- 2012/19417 Proposed stable block with new access road, fencing and gates – Withdrawn Feb 2012

Main Issues and Constraints

- Green Belt
- Impact Upon Living Conditions
- Highways
- Ecology

Key policy/guidance checklist

- Policy DCS1 Development Control Strategy
- Policy LUT20 Parking
- Policy REP10 Noise
- Policy REP11 Odours
- Policy GRN18 Key Biodiversity Habitats and Priority Species
- Policy GRN19 Protected Species
- Policy GRN20 Wildlife Corridors

Appraisal

<table>
<thead>
<tr>
<th>GRN1</th>
<th>Green Belts</th>
<th>The proposal involves the construction of a new building within the Green Belt. NPPF (para. 89) identifies the types of development that can be appropriate within the Green Belt, which includes the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN2</td>
<td>Environmental Protection and Enhancement</td>
<td>The site of the stable is to the corner of the field adjacent a hedge and the carriageway of Tannery Lane. It is modest in size and considered commensurate with the concession identified within NPPF constituting a small stable for recreational purposes. It would not conflict with any of the purposes of including land within the Green Belt, i.e. lead to unrestricted sprawl, merging of neighbouring towns, encroachment, adversely effecting</td>
</tr>
<tr>
<td>GRN3</td>
<td>Development Proposals in the Countryside</td>
<td></td>
</tr>
<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
<td></td>
</tr>
</tbody>
</table>
setting of an historic town, or discouraging recycling of derelict / urban land.

Provision of four stables is not of a commercial scale and further planning permission would be required for additional stables or establishment of a commercial use. Similarly planning permission would be required to change the use of the building in the future to a house or other use, and the current design is for a functional stable building notwithstanding the use of brick.

<table>
<thead>
<tr>
<th>Policy REP10</th>
<th>IMPACT UPON LIVING CONDITIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy DCS1</td>
<td><strong>Noise</strong></td>
</tr>
</tbody>
</table>
| Development Control Strategy | The site is close to residential properties on the opposite side of Tannery Lane which currently have uninterrupted views southwards across the open field. The proposed stable building would be visible from several of the houses (39, 41, 43 and 45 Roeburn Way). It is generally accepted however that the planning system cannot protect a private right to a view. No weight is subsequently given to any perceived loss of view from the front windows of these properties.

Whereas an individual’s view over neighbouring land of some distant object, building or scenery carries little significance, this is distinct from the more immediate dominance of a building. Where a development would interfere with the outlook from a living room window, to the extent that the building would appear unduly intrusive and oppressive, there is no doubt that this is an important and legitimate consideration. The key test in the current circumstances is whether the building would result in a significant reduction in the level of amenity an adjoining property could ‘reasonably’ expect to enjoy.
The proposed building would present a blank expanse of brickwork approximately 12.5m in length parallel with these properties at a distance of approximately 21m.

At this distance it not considered that the proposal would harm the outlook from the adjacent properties to a material extent:

- this separation is incidentally the minimum separation standard between dwelling houses, and therefore the introduction of a two storey dwelling at this distance would theoretically be in accordance with the development plan – this would obviously impact upon outlook more so than the current proposal;
- the presence of hedging along the boundary would screen the building upto approximately 1.8m – only the roof would be largely visible hipped away from the boundary;
- the height of the building at 2.1m to eaves, and 3.9m to ridge is relatively modest;
- the gradient of the land would mitigate its impact – field level is lower than adjacent road level;
- there is scope to introduce screen planting within the 2m strip between the building and the northern boundary to help soften views further – this would be the subject of a condition in event application approved.
In summary, the combination of the above elements is considered sufficient to allow the building to be accommodated without causing a significant loss of outlook to the adjacent residential properties.

Concerns expressed by neighbours that the proposal is for a commercial enterprise – the size of the building and the capacity for 4 horses is of a scale to suggest it is for personal recreational use rather than a commercial operation.

Concerns also expressed relating to livestock (pigs and chickens) – this does not form part of the current planning application. Such an application if necessary would need to be considered on its merits.

<table>
<thead>
<tr>
<th>LUT20</th>
<th>Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>LUT1</td>
<td>Transportation Strategy</td>
</tr>
<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
</tr>
</tbody>
</table>

The applicant has not demonstrated that adequate visibility exists from the site access onto Tannery Lane.

The application also proposes access to the stables via a Public Right of Way. This is a well utilised footpath and vehicular use would conflict with pedestrian use, particularly when taking account of the difficult manoeuvres that would be required to access the field with horse boxes and other large vehicles in the confined space available.

The legality of the proposed access route to the stables over land forming part of Penketh Footpath No.8 is questionable - the applicant would require the express permission of the landowner in this instance as the vehicle movements would be an offence under section 34 of the Road Traffic Act 1988, if no such permission is held/obtained.

In summary, increased use of the access would be detrimental to its use as a Public Footpath as well as potentially affecting road safety on Tannery Lane due to poor visibility.
Owing to the sites proximity to a known great crested newt breeding pond an assessment has been required with regards to the developments potential impact to this European Protected Species. An Ecological Assessment Report, carried out by TEP August 2012, was submitted which was carried out at the appropriate time of year and to Nationally Recognised standards by suitably qualified persons and there is no cause to disagree with the findings of the survey.

The report highlights that the development site is within 180m of a pond with a low great crested newt population. Surveys during 2012 did not result in any great crested newts being found at the pond in question. The development site only provides limited terrestrial habitat for great crested newts, with these factors combined the potential risk to any animals being impacted is very low. The TEP report (Section 6.0) recommends Reasonable Avoidance Measures are carried out with regards to any construction/development. Subject to this approach being adhered to the proposal is acceptable from an ecological perspective.

Responses to consultation

Highways:
Objection

Comment: Proposed access crosses public of right of way – conflict with pedestrians – visibility no demonstrated from access - full comments attached at appendix

Nature Conservation Officer:
No objections

Comment: Precautionary measures should be undertaken related to great crested newts – full comments attached at appendix
Responses to Notification:

Objection received from Councillor Linda Dirir:
In support of the objection from the Parish Council and a great many residents. This is yet again a threat to the openness of the Greenbelt in Penketh. The land in question was bought at auction from the golf course by someone who we believe to be a speculative developer.
   1. Impact on the Green Belt.
   2. Traffic impact on a narrow lane.

I raise the question of the stable block being of house standard construction.

Objection received from Councillor David Keane:
Various concerns:
   1. Impact on the Greenbelt. There is a presumption against inappropriate development in the greenbelt.

It is considered that these issues should be judged as part of a cumulative impact assessment. I am also concerned by the design and materials proposed, and would have considered a more agricultural design more acceptable if to be granted, conditioned with a removal if no longer required for proposed purposes.

In the interests of democracy, may I request referral to Development Management Committee, should the recommendation be one of approval.

Penketh Parish Council: Objection:
Numerous grounds as follows:
   1. The area concerned has history of visibility problems on a hazardous blind corner with a number of accidents recorded; further increase in traffic would make this an accident hotspot. This area is already congested due to school drop offs, buses and walkers. Further to this vehicles have a habit of coming out of Station Road and onto Tannery Lane without stopping at the junction.
   2. The area is not of a size suitable for six horse boxes, the applicant lives nearby so it is questioned as to why there is the need for hard standing area for vehicles.
   3. The horses would be taken onto the public highway, this again, on such a dangerous junction, would no doubt lead to a serious accident
   4. The new access to the site is believed to be accessed over a public footpath which is protected, and a resident has advised the track to access his home would be obstructed with vehicles coming and going to the site which would then prevent access to his house. The existing access from Tannery lane is unsatisfactory for any increase in traffic.
The Penketh Parish Council wish for a traffic survey to be carried out at this very dangerous junction and wish it to be heard before the Full Development Control Committee due the severity of the objections and the volume of complaints from residents heard at February’s Parish meeting.

**Neighbours: Two letters of support:**
1. As a dog walker think proposal is a fantastic idea and the land will be used for the purpose it was intended for.

**Neighbours: Letters of objections from 95 properties:**
1. Green belt land and should be protected.
2. Already three stable blocks close by – no need for additional stables.
3. Would be a commercial use rather than personal use – lots of disturbance and cars if commercial use.
5. Materials inappropriate.

**Comment: See policy assessment above (GREEN BELT)**
7. Too close to Roeburn Way properties.

**Comment: See policy assessment above (IMPACT UPON LIVING CONDITIONS)**

**Comment: See policy assessment above (HIGHWAYS)**
10. Loss of property value.
11. No horse passports.
12. No services connected to the site.
13. Land outside ownership of applicant.

**Comment: Cannot be relevant as material considerations – land ownership dispute would need to be resolved between the parties and the Council cannot intervene**
14. Pigs and chickens kept – this not in application – noise and smell.

**Comment: Activity on site has been subject of enforcements investigations and no breaches of planning control identified to date**
15. Drawings incorrect.
17. Access material not specified.

**Comment: Conditions capable of controlling surface material, lighting, surface material etc. Elevations shown on drawings are incorrectly scaled – should be 1:100 rather than 1:50 – this cannot be a reason to withhold planning permission**
Conclusions and reasons for recommendation/decision

The proposed stable building is considered to represent appropriate development in the Green Belt being of a relatively small in size. It would not cause harm to the character or openness of the land or conflict with the objectives of including land within the Green Belt. It is a sufficient distance away from residential properties, and would not have a material impact upon their outlook. An ecological assessment has now been undertaken due to the nearby presence of great crested newts, a protected species, and the findings are accepted that there would be no adverse implications for the species. Access to the site is constrained however with poor visibility onto Tannery Lane. Use of the access would conflict with a public right of way at the north eastern corner of the site. This is considered to be of such weight that planning permission should be refused.
Appendix One

Natural Environment Officer

Thank you for consulting me on the application for the above site, having reviewed the submitted information I have the following comments. The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with the NPPF, as an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape master plans would be used to determine this when considering any planning permission.

One of the key aspects of NPPF 11: Conserving & Enhancing the Natural Environment is that planning decisions should aim to conserve and enhance biodiversity and incorporate it into and around developments. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. Through the NPPF the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function and promote the preservation, restoration and re-creation of ecological networks.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Owing to the sites proximity to a known great crested newt breeding pond an assessment was required with regards to the developments potential impact to this European Protected Species. An Ecological Assessment Report, carried out by TEP August 2012, was submitted which was carried out at the appropriate time of year and to Nationally Recognised standards by suitably qualified persons. I have no cause to disagree with the findings of the survey.

The report highlights that the development site is within 180m of a pond with a low great crested newt population. Surveys during 2012 did not result in any
great crested newts being found at the pond in question. The development site only provides limited terrestrial habitat for great crested newts, with these factors combined the potential risk to any animals being impacted is very low.

The TEP report (Section 6.0) recommends Reasonable Avoidance Measures are carried out with regards to any construction/development. I would agree that this is a suitable cautious approach and these recommendations should be attached as conditions to any permission minded to be granted.

Condition regarding EPS - Works should be timed to avoid periods when amphibians may be present within the site. Excavations and laying of concrete bases and shingle paths should be undertaken between November and February 2013 (inclusive) when amphibians are unlikely to be active and present within the site. Materials, such as bricks, and metal should not be stored directly on the ground but should be stored on pallets or off the ground to prevent amphibians seeking shelter within the materials.

Reason - To avoid harm to great crested newts, a European Protected Species known to be in the wider area.

Informative - The applicant is reminded that should great crested newts be found at any point, works should cease until an assessment can be made regarding a European Protected Species License. Planning permission for a development does not provide a defence against prosecution under the Habitats Directive 2010.

Highways

The proposal is a resubmission of application 2012/19417 and seeks approval for the erection of 4 stables and a tack room, with vehicular access proposed over a Public Right of Way, off Tannery Lane.

It is noted that this application proposes a reduction in the number of stables from 6 stables (proposed under application 2012/19417) to 4 stables.

Highway objections were raised to application 2012/19417, as the access route proposed sought to utilise the existing Public Right of Way (Penketh Footpath No.8).

The proposed site plan (Drawing No.1153-A01) submitted within this application still proposes access to the stables via the Public Right of Way and has therefore not addressed previous highway concerns.

In view of the above, I would therefore reiterate previous highway comments issued for application 2012/19417 as below:

Consultation with the Council’s Public Rights of Way Officer has confirmed that access to the proposed development would utilise the existing Public Right of Way (Penketh Footpath No.8). It is noted that this is a well utilised footpath and further vehicle access will be in conflict with pedestrian use,
particularly when taking account of the difficult manoeuvres that will be required to access the field with horse boxes and other large vehicles in the confined space available.

The Council’s Public Rights of Way Officer has also queried the legality of the proposed access route to the stables over land forming part of Penketh Footpath No.8. The applicant would require the express permission of the landowner in this instance as the vehicle movements will be an offence under section 34 of the Road Traffic Act 1988, if no such permission is held/obtained.

In summary, as the access road from Tannery Lane is a Public Right of Way, increased use of this access route would be detrimental to its use as a Public Footpath.

In view of the above, Highways would therefore wish to object to the proposal in the interest of pedestrian safety.
Application Number: 2012/20175

Location: Land At Doeford Close, Culcheth And Glazebury, Warrington, WA3 4DL

Ward: Culcheth, Glazebury And Croft

Development: Proposed residential development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings), access roads and landscape works

Applicant: Redrow Homes Ltd (lancashire division)

Recommendation: Approve subject to Conditions

Conditions:

- Development to commence within 3 years
- In accordance with approved plans
- Energy statement to be submitted & low carbon initiatives incorporated
- Tree protection scheme to be approved and implemented
- No trees to be retained to be damaged
- Finished floor levels shall not be set lower than 21.90m Above Ordnance Datum (AOD)
- Scheme ensure no raising of levels within the identified 1 in 100 year floodplain submitted & approved
- Surface water regulation system to be submitted and approved
- Scheme for the management of overland flow submitted and approved
- Landscape management plan to be submitted and approved
- Materials samples to be submitted and approved
- Parking spaces to be made available
- Land quality investigation and remediation
- Fencing to have minimum raised 10cm clearance ground level
- Features suitable for use by roosting bats shall to be submitted to and agreed
- Features suitable for use by breeding birds to be submitted and agreed
- Scheme for the eradication of Himalayan Balsam to be submitted and agreed
- Details of ponds within the site to be submitted and agreed
- Landscaping Plan to be carried out no later than within 6 months of the date of commencement use
- Lighting plan to be submitted and agreed
- Management Company to be established
• 22. Visibility splays of 2.4m x 40m to be provided and retained

**Description**

- The proposal is for 26 family houses predominantly detached but some mews cottages.
- The layout is intended to address the key frontage to Doeford Close and to maintain a suitable stand-off distance to Jibcroft Brook and a combined sewer.
- Access to the proposed development would be taken from Doeford Close with three entrances.

**Location**

- The site is located approximately 1km to the north of the centre of Culcheth.
- It forms part of the former Newchurch Hospital site (a Victorian Mental Health Hospital).
- The site is reasonably level and currently consists of an area of maintained grassland.
- The land falls to the north of Doeford Close, which is an area of existing housing developed by Redrow Homes in the 1990s – the site is surrounded by agricultural (arable) land to the north and east – an area of public open space is located to the west, beyond which is a golf course – a railway line is located approximately 750m to the north.
- Jibcroft Brook runs adjacent to the northern boundary – tree cover is present along the westerly, northerly and eastern boundaries.
- The site is around 1.61 hectares in size.
Relevant History

- The land forms part of the former Newchurch Hospital site, which was redeveloped by Redrow in the 1990s to provide in excess of 200 new dwellings.
- The applicant states that the site was omitted from Redrow’s detailed proposals at that time because it was within a safeguarding zone of an explosives depot (operated by Orica UK Limited) at Glazebury.

Main Issues and Constraints

- Principle of Housing
- Residential Amenity
- Design Principles
- Highways
- Trees
- Flooding
- Noise
- Land Quality
- Ecology
- Archaeology
- Health & Safety
- Infrastructure

Key policy/guidance checklist

National Planning Policy Framework (NPPF)

Unitary Development Plan (UDP)
- Policy DCS1 Development Control Strategy
- Policy DCS2 Planning Obligations
- Policy DCS3 Engineering Services
• Policy GRN22 Protection and Enhancement of Landscape
• Features
• Policy HOU1 Housing Land
• Policy HOU2 Housing Development – Restrictions
• Policy HOU3 Housing Development – Development Control
• Policy HOU4 Open Space
• Policy HOU6 Housing Density & Mix
• Policy HOU13 Privacy and Daylight
• Policy HOU15 Affordable Housing
• Policy REP4 Protection of the Floodplain
• Policy REP5 Surface Water Run-off and Sustainable Drainage Systems
• Policy REP8 Land Contamination
• Policy REP10 Noise
• Policy REP14 Hazardous Uses / Installations
• Policy GRN4 Inset Villages
• Policy GRN18 Key Biodiversity Habitats and Priority Species
• Policy GRN21 Protection of Nature Conservation Resource
• Policy LUT1 Land Use / Transportation Strategy
• Policy LUT2 Transport Priorities in Development Control
• Policy LUT3 Walking
• Policy LUT5 Cycling
• Policy LUT7 Public Transport
• Policy LUT12 Transport Impact Assessments
• Policy LUT20 Parking
• Policy SOC1 Social Progress

Core Strategy (CS) Emerging Policy
• Policy CC1 Inset and Green Belt Settlements
• Policy CS1 Overall Spatial Strategy – Delivering Sustainable Development
• Policy SN1 Distribution and Nature of New Housing
• Policy SN2 Securing Mixed & Inclusive Neighbourhoods

Appraisal

<table>
<thead>
<tr>
<th>UDP</th>
<th>PRINCIPLE OF HOUSING</th>
<th>Inset Village Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HOU1</td>
<td>Housing Land</td>
<td>Site is within the defined settlement of Culcheth an Inset Village – new build development acceptable in such areas – proposal would not undermine regeneration objectives due to scale and represents low impact infill development within the wider context of Culcheth - no change to village boundaries proposed.</td>
</tr>
<tr>
<td>HOU2</td>
<td>Housing Development – Restrictions</td>
<td></td>
</tr>
<tr>
<td>HOU1 5</td>
<td>Affordable Housing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Inset Villages</td>
<td></td>
</tr>
</tbody>
</table>

Housing Restraint
Policies HOU1 and HOU2 of UDP seek to withhold the release of sites unless demonstrated that delay would prejudice successful future redevelopment – this approach not compliant with the NPPF - where policies are inconsistent NPPF policies take precedence.

Greenfield Status
The site is considered to be previously undeveloped “greenfield” land – Core Strategy seeks to secure 80% of new housing is built
<table>
<thead>
<tr>
<th>GRN4</th>
<th>Inset and Green Belt Settlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>CS</td>
<td>Overall Spatial Strategy – Delivering Sustainable Development</td>
</tr>
<tr>
<td>CC1</td>
<td>Distribution and Nature of New Housing</td>
</tr>
<tr>
<td>CS1</td>
<td>Securing Mixed &amp; Inclusive Neighbourhoods</td>
</tr>
<tr>
<td>SN1</td>
<td></td>
</tr>
<tr>
<td>SN2</td>
<td></td>
</tr>
<tr>
<td>RESIDENTIAL AMENITY</td>
<td></td>
</tr>
<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
</tr>
<tr>
<td>HOU3</td>
<td>Housing Development – Development Control</td>
</tr>
<tr>
<td></td>
<td>Privacy and Daylight</td>
</tr>
<tr>
<td>HOU13</td>
<td></td>
</tr>
<tr>
<td>DESIGN PRINCIPLES</td>
<td></td>
</tr>
<tr>
<td>DCS1</td>
<td>Development Control Strategy</td>
</tr>
<tr>
<td>HOU3</td>
<td>Housing Development – Development Control</td>
</tr>
<tr>
<td>HOU4</td>
<td>The Prudent Use of Resources</td>
</tr>
</tbody>
</table>

on previously developed land - but does not seek to withhold the release of Greenfield land because it is forecast that the nature of supply within the Borough will ensure this 80% target is met. The release of this site would not therefore compromise the achievement of this 80% "Brownfield" land target.

UDP Policy HOU1 identifies that permission should not be given for development on Greenfield sites – this conflicts with the NPPF – CS seeks to intentionally move away from this position in order to help maximise opportunities for affordable housing and ensure a more flexible and responsive forward supply of land.

Affordable Housing

Policy SN2 of the CS identifies requirement for 15+ units of 30% on site provision - the eight units proposed thus compliant with this – the units are on site and reasonably well integrated into the scheme - 50% of the required provision (4 units) should be for social rent and 50% (4 units) for intermediate housing – approach should also be tailored to ensure that residents of the village are considered for the housing before nominations are opened up more widely – section 106 recommended to secure this and ensure appropriate delivered.

The principle of development is acceptable and adequate provision is made for affordable housing – to be secured via a section 106 agreement.

Residential Amenity

The protection of long distance views over neighbouring land cannot be given any weight - this is distinct from the more immediate dominance of a building and the relevance of policy HOU13 retaining minimum separation distances between buildings, i.e. 21m between main face elevations, and 13m to side gable elevations.

All the proposed dwellings retain adequate separation distances to existing dwellings in excess of the minimum requirements set out within policy HOU13.

The proposal would not have a materially harmful impact upon the living conditions of existing residential property.

Character

It is stated that the proposed house types are based on Redrow’s award winning ‘Heritage Range’ but would be tailored to create a bespoke scheme - the houses provide a sufficient degree of variety and interest and are of a satisfactory appearance and would relate acceptably to their relatively low density context – car parking is not considered to be overly conspicuous.
<table>
<thead>
<tr>
<th>HOU6</th>
<th>Social Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>REP1</td>
<td></td>
</tr>
<tr>
<td>SOC1</td>
<td></td>
</tr>
</tbody>
</table>

**Conservation Area**

Whilst the site is outside the Newchurch Conservation Area with no direct visual connection, vehicles accessing the site would pass through the Conservation Area - there is a duty to ensure that development preserves or enhances Conservation Area character – supporting information identifies the special character of the Conservation Area as the built form and its landscaped setting – this analysis is limited but proportionate having regard to proximity and potential for impact – increase in traffic would be small and not enough to result in a material change – approximately one additional vehicle movement every 3 minutes in both the AM and PM peak hours - proposal would thus have a neutral impact and would preserve the character and appearance of the Conservation Area.

**Location**

Reference made to proximity of a high school, several primary schools, a public library, supermarket and two shopping areas – site is however on the periphery of the built up area so although facilities and services available within the Village they are not in immediate proximity.

**Housing Mix & Density**

The scheme is relatively low density with a limited mix of dwelling types consisting of 18 detached and 8 mews type properties - this is satisfactory having regard to the existing property types close to the site.

**Landscaping / Topology**

The applicant has aimed to design the scheme to allow a visual connection between Doeford Close and the northern tree belt - provision made for overlooking of public open space to the west with westwards orientation of principal elevation of plots 1 to 8.
Construction
Supporting information states construction specification would go beyond requirements of building regulations with all properties constructed to code for sustainable homes level 3.

Permeability
Limited scope for increased permeability as site bordered by Green Belt and open land on three sides.

Public Open Space
Linear hedge planting and an avenue of trees incorporated but no formal designated open space on site – existing area of public open space exists to the west of the site.

Renewables
Application does not include energy statement and there is at this stage no indication of any features that would reduce environmental impact - condition recommended to ensure full consideration as appropriate.

The proposal demonstrates satisfactory design principles – conditions recommended as necessary to ensure that principles implemented appropriately.

HIGHWAYS

DCS1
Development Control Strategy

LUT1
Land Use / Transportation Strategy

LUT2
Transport Priorities in Development Control

Parking

Walking

Secondary Emergency Access Route
The Warrington Design Guide for Residential and Industrial Estate Roads advises 100+ dwellings should be served by a secondary emergency access – current proposal increases numbers from 214 to 240 – potential route where a secondary access could be created (between Hutton Close and Public Right of Way 110 Culcheth and Glazebury) is in separate land ownerships – not therefore viable.

Cheshire Fire Service confirmed that they would not object to the proposals on this basis - secondary access link desirable rather than essential - measures to discourage double parking on the existing access routes to the site should be considered.

Although secondary access advantageous it is not considered that sufficient weight can be given to this sufficient to represent a determinative factor.

Highway Layout
Visibility splays of 2.4m by 40m satisfactory – condition recommended.

Widths of all 3 access routes serving the development accords with the Council’s minimum standard of 4.8m.

Internal turning heads in accordance with the Council’s design standards.

Plots 9, 10 and 17 revised to provide dropped crossings from Doeford Close, not kerbed accesses as previously proposed.

A turning head is proposed on the access serving Plots 1 – 8 - allows refuse vehicles to turn on site and exit in a forwards direction thus removing the need for reversing back onto the highway of Doeford Close – all accesses routes able to achieve this.

Parking Provision
Proposal to provide 85 spaces = 3.27 spaces per dwelling - excess of maximum standards of 2 spaces per dwelling - Cheshire Fire Service’s identify measures to deter parking on access routes – proposed level thus acceptable and would help ensure reduced demand for on street parking.

Likely Traffic Generation
TRICS trip rate database reviewed - assuming higher than average trip generation (i.e. using 85th percentile trip rates for robustness), the following trip rates and trip totals for the AM and PM peak hours can be expected:

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Trip Rate</th>
<th>Trip Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrivals</td>
<td>Departures</td>
</tr>
<tr>
<td>AM</td>
<td>0.243</td>
<td>0.643</td>
</tr>
<tr>
<td>PM</td>
<td>0.31</td>
<td>0.333</td>
</tr>
</tbody>
</table>

Table 1: Estimated Traffic Generation
Traffic generation of an average of one additional vehicle movement every 3 minutes in both the AM and PM peak hours anticipated.

Local Highway Network - Site Observations
WBC Highways have observed current traffic conditions at the junctions of Eddisford Drive / Twiss Green Lane and Twiss Green Lane / B5207 Common Lane in the AM and PM peak hours - site observations confirmed that minimal queuing and delay occurs at both of the above junctions - accordingly, it is considered that an additional 1 vehicle movement every 3 minutes on this network would not be sufficient to justify a refusal on traffic capacity grounds.

Local Highway Network - Accident Review
Personal Injury Accident records covering the access route to the site (from Eddisford Drive and Doeford Close) have been reviewed by the Council’s Collision Investigation Unit - confirmed that there have been no recorded traffic accidents on the above access routes to the site in the last 5 years.
**Supplementary Planning Document**

SPD “Planning Obligations” reviewed – identifies £413 per additional daily trip to support implementation of the Council’s Local Transport Strategy - using trip rates provided by TRICS, calculation as follows:

\[ 20 \text{ (no of dwellings)} \times 3.320 \text{ (daily trip rate per dwelling)} \times £413 = £57,125 \]

Applicant has agreed to contribute 50% of the SPD total (£28,563) to be used towards the implementation of pedestrian crossing facilities on the B5207 Common Lane / Hob Hey Lane.

Council’s Public Realm section has informed that various requests for the improvement of pedestrian crossing facilities at the junction of Common Lane and Hob Hey Lane have been received from residents and ward councillors over recent years.

**A scheme for improvement of pedestrian crossing facilities at the Common Lane and Hob Hey Lane can be implemented for the identified sum – this will also offset the negative albeit limited weighting attributed to the lack of a secondary access – proposal acceptable from a highway point of view.**

<table>
<thead>
<tr>
<th>TREES</th>
<th>Protection &amp; Enhancement of Landscape Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRN2 2</td>
<td>Overall choice of planting satisfactory including native shrubs trees and climbers - majority of established stock to be retained and removals required for the development are minor in nature and mitigated by replacement planting – TPO in progress to secure the future of several trees of value.</td>
</tr>
</tbody>
</table>

**Requirement for adequate tree protection measures – condition recommended.**

<table>
<thead>
<tr>
<th>FLOODING</th>
<th>Flood Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>REP4</td>
<td>Environment Agency (EA) flood maps currently suggest that parts of the northern section of the site are located in Flood Zones 2 and 3 – i.e. medium and high annual probability of flooding.</td>
</tr>
<tr>
<td>REP5</td>
<td>Site specific Flood Risk Assessment (FRA) submitted which includes an additional hydrological and hydraulic modelling investigation of Jibcroft Brook to more accurately define the anticipated flood risk zones - outputs of this study resulted in a reduction in the anticipated floodplain extents within the site when compared with EA flood maps.</td>
</tr>
</tbody>
</table>

EA have confirmed assessment is acceptable - all residential units should subsequently have their Finished Floor Levels (FFL) set at least 600mm above the corresponding 1 in 100 year (climate change) flood level – stated FFL is 21.90m Above Ordnance Datum (AOD) – this is approximately 600mm above the indicated 1 in 100 year (climate change level) of 21.46m AOD and is therefore acceptable.

Residential part of the site flood zone 1, with only the landscape buffer area to the north being subject to high flood risk - Sequential and Exception Test are not considered to be necessary.

**No objection to proposal from Environment Agency subject to controls relating to FFL’s, surface water, discharge rates, landscape management and land remediation.**
The application includes an assessment of the impact of railway noise – this concludes that the land is suitable for residential development and makes recommendations to mitigate impacts from the railway to the north of the site - these mitigation measures relate to the bedrooms of the houses in the north-east corner of the site and include the use of acoustic vents.

The site may be subject to some noise from the surrounding transport networks however it is not considered likely that additional acoustic protection measures are likely to be required – standard fit glazing should provide adequate acoustic protection.

Ground investigations undertaken October 2007 and March 2008 - report identifies that ground contaminants present on site would not constrain residential development - localised remedial measures are likely to be required however.

**Condition recommended ensuring the necessary remediation undertaken.**

Bats present in the area and are likely to be feeding and commuting through and around the site - essential that lighting of the site is kept to a minimum and any that is required is directional to reduce light spill.

Inclusion of bat roosting features such as bat bricks, tiles or tubes (e.g. Schwegler 1FR, 2FR) suitable in this location and should be built into the design of the houses with additional boxes on any suitable trees – condition recommended.

Hedgehogs are present in the area and are suffering dramatic decline - site currently provides suitable habitat for this species but this will be lost through the proposed development - periphery habitat will remain but there is scope to accommodate hedgehog movement through the site by ensuring all fences are set 10cm from the ground – condition recommended.

House sparrows are a UK priority species along with starlings and as recommended in the report boxes should be installed through the development, numbers and locations of these should be shown on a plan - condition recommended.

Landscape & biodiversity

The scheme has been amended to introduce ponds to the northern part of the site.

Residential curtilages are outside the landscape buffer zone – condition recommended to ensure no encroachment.
**HEALTH & SAFETY**

**Hazardous Uses / Installations**

The Health and Safety Executive have advised that if planning permission granted the external population density permitted in this zone would be exceeded – this would necessitate review of the license of the nearby explosive facility (Orica) – this may result in the facilities explosives capacity being significantly reduced, possibly putting its commercial viability in jeopardy.

The planning application confirms that Redrow Homes and Orica have entered into an agreement to reduce the capacity for the storage of explosives at the Glazebury depot and apply to the HSE to revise the Explosive Storage Licence accordingly – letter from Orica states the company has been going through considerable change with its main production facility in Wigan closing and a replacement plant constructed in Scotland – less storage capacity thus required.

**Archaeology**

**Ancient Monuments & Archaeological Sites**

No features currently recorded within the Cheshire Historical Environment record would be affected by the proposed development.

**No archaeological constraints.**

**INFRA-STRUCTURE**

**Education**

Confirmation received from Children & Young People’s Services that adequate capacity available in local schools.

**Healthcare**

No response received from Primary Care Truth – no evidence that healthcare services cannot accommodate additional residents from 26 dwellings.

**Public Open Space / Children’s Play / Sport & Recreation**

Requirement to address the functional public amenity aspects of the proposal - Council’s Supplementary Planning Document for Open Space and Recreation Provision establishes following:

- Equipped play £18,576 (based on 26 x £714.48 per dwelling)
- Public Open Space - site is adjacent to formal provision so...
A further contribution would not required
- Recreation provision (sports and non-pitch sports) £24,310 (based on 26 x £935 per dwelling)
- Given monies would be used to enhance existing provision a maintenance contribution is not required.

A total of £42,886 agreed with applicant to ensure compliance with the Council’s approach to planning for open space and recreation provision.

Water
No response received from United Utilities – no evidence of significant constraints in respect of water / sewerage provision.

Adequate infrastructure in place to accommodate development with safeguard of a legal agreement relating to contribution to children’s play and sport and recreation provision (£42,886) as well as affordable housing (30%), a highway contribution (£28,563) and reduction of explosive capacity at nearby facility.

Consultation Responses

Arboricultural Officer:
No objections
Trees of quality retained – TPO recommended - full comments attached at Appendix

Archaeological Officer:
No objections
No features affected – full comments attached at Appendix

Education:
No objections
Confirmation that additional children could be accommodated within schools in the area at both primary and secondary level

Environment Agency:
No objections
Finished Floor Levels (FFL) to be set at min 21.90m AOD - surface water, discharge rates, landscape management and land remediation also to be addressed– full comments attached at Appendix

Environmental Health:
No objections
Land quality condition recommended - full comments attached at Appendix

Health & Safety Executive:
No objections
License for nearby explosives storage facility would need to be reviewed– full comments attached at Appendix
**Highways:**
No objections
Secondary access desirable but not essential – visibility, parking, traffic generation and road specification satisfactory – agreed contribution would allow for improved pedestrian crossing facilities at junction of Common Lane and Hob Hey Lane - full comments attached at Appendix

**Nature Conservation Officer:**
No objections
Safeguards required to ensure no significant harm to habitat and protected and priority species – full comments attached at Appendix

**Planning Policy:**
No objections
Proposal compliant with NPPF and emerging development plan – full comments attached at Appendix

**Primary Care Trust:**
No comments received
None

**Public Art Officer:**
No comments received
None

**United Utilities:**
No comments received
None

**Responses to Notification**
Councillors: Letter received from Councillor Chris Vobe Requests that application presented to Committee for decision and site visit undertaken

**Culcheth and Glazebury Parish Council:**
Objection
Members wish to object in the strongest possible terms to the above planning application – full comments attached in the Appendix to this report;

1. Orica Exclusion Zone - sited close to an Orica UK explosives depot - “Explosion Safeguarding Zone” in place which has, in the past, prevented any kind of building on the land in question.
2. Greenfield sites in Warrington - policy is clear that development should take place first on brown field sites.
3. Traffic - affect on traffic flow in this part of Culcheth village would be near catastrophic
4. Parking - the layout of the proposed affordable housing has altered considerable from Redrow’s consultation document - inadequate in terms of parking provision.
5. Loss of visual amenity - visual amenity that this land represents enjoyed for the past 20 years - potential for loss of light and overshadowing.

6. Mews Cottages - entirely out of keeping with the surrounding area and are in no way representative of the kind of properties already built in the vicinity.

7. Overdevelopment of the village - already significant overdevelopment of Culcheth village in the last two decades.

8. Sewer capacity - unlikely to be able to sustain an addition 26 properties.

9. Flood risk - boundary of the proposed development falls within the recognised “flood zone” from the flow of Jibcroft Brook.

10. Local employment, construction period and need - Redrow state that the construction work will bring jobs to the village and surrounding community - unlikely that the proposed 26 houses will be built in one fell swoop.

Conclusion - It is the view of both this Parish Council, and its individual members, that this application should be refused. Full support given to the residents of Doeford Close and the surrounding area in their objections and urgent commitment of Council sought to deny Redrow the opportunity for any development on the land in question.

Applicant response to comments of the Parish Council

1. Orica Exclusion Zone - Redrow and Orica collaborating on project and no development will take place in advance of changes to the exclusion zone - this confirmed by Orica. Greenfield Sites in Warrington - site forms parts of the former Newchurch Hospital and was previously excluded from the Green belt for this reason - falls on land that has been previously used which is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land (NPPF Annex 2) - likely that this land would have been redeveloped by Redrow in the 1990s, had it not been for the exclusion zone constraint.

2. Traffic - Comments from the Parish Council in regard to traffic are incorrect and based on perception, rather than robust evidence - formal Transport Assessment was not required to support the application in view of the size and scale of the proposal - it was accepted that any increase in traffic would be negligible - applicant not been made aware of any on-going highway safety issues - Twiss Green Primary school is located some 400 metres to the south of the site (pedestrian route), and some 800 metres to the south (via car) - Twiss Green Lane is a loop and it is possible to navigate the area onto the major highway routes without passing the primary school – NPPF that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe - Redrow consider that there would be no compromise in highway safety as a result of the proposed development and as such any impact would be negligible.
3. Parking – Scheme evolved with consultation process - additional car parking proposed for the affordable dwellings when compared to the scheme which was originally presented to the Parish Council – proposal adheres to Warrington BC’s parking standards.

4. Loss of Visual Amenity - site is private land permanently fenced off since the mid 1990’s and not assessed to be of any intrinsic landscape value and is not subject to any statutory landscape designation - would have been developed as part of the redevelopment of the former Newchurch Hospital site in the 1990s, had it not been for the exclusion zone constraint - proposed dwellings are also generously spaced and pay due respect to the privacy and visual amenity enjoyed by the occupiers of existing properties - spacing standards and guidance on interface distances are exceeded.

5. Mews Cottages - existing development surrounding Doeford Close contains numerous mews / terraced houses which important influence on the evolution of the design - cues from scale, aesthetics and materials from the nearby properties - not creating a pastiche but taking a few important elements from these properties and utilising them on the proposed dwellings - mews cottages elevated and articulated to match the open market dwellings, and would be built using the same materials.

6. Overdevelopment of the Village - site falls within the boundary of Culcheth Village and provides a natural rounding off of the settlement in this area and would continue the themes established by the Redrow development in the 1990s - Culcheth is an established residential area with a variety of supporting village facilities and services - a modest addition to Culcheth village that contributes to the long-term sustainability of the village.

7. Sewer Capacity (we presume this refers to foul sewers) - detailed Drainage Strategy forms part of the planning application package, which does not raise any concerns regarding the capacity of the sewerage network - Redrow and their drainage consultant (AMEC) have been working with United Utilities (UU) from the inception of the scheme and all advice provided to date indicates that the site can be drained to the existing foul sewers which cross the application site - UU have not indicated any on-going issues with regards to the foul network - anticipated that should planning permission be granted, Redrow would need to comply with a planning condition which specifies how the site will be drained.

8. Flood Risk - A Flood Risk Assessment (FRA) was submitted with the planning application prepared in consultation with the Environment Agency (EA) and confirms that a detailed assessment of Jibcroft Brook has been undertaken to ascertain an accurate flood zone extent adjacent to the development site - EA formally accepted those findings - residential boundary respects the extent of the agreed flood zone - flood zone will not be compromised as a result of the proposed development.

9. Local employment, construction period and need - Redrow Homes consider housing development is a key driver of economic growth and
prosperity - also a strong need/demand for quality housing in Culcheth, including affordable housing.

Neighbours: Letters of objection received from 178 residential properties:

1. No need for more housing.
3. Loss of greenbelt.
4. Decision should be deferred until Local Plan updated.
5. Major development in inset village - contrary to policy GRN4.
6. The site has always been a Greenfield site.
7. Reduction or elimination of the Safeguard Zone would be a change that should trigger a review of the Green Belt status of the field.
8. Affordable housing not in keeping with the area - easily visible and not dispersed throughout the scheme – should be pepper potted – should be located elsewhere within the borough via financial contribution.
9. Affordable housing would not be genuinely affordable.

Comment: See policy appraisal above (PRINCIPLE) – residential development acceptable on site in principle

10. Loss of open land.
11. Loss of view.
12. Loss of privacy.

Comment: See policy appraisal above (RESIDENTIAL AMENITY)

15. Proposed buildings out of character - use of white render and windows and doors inconsistent. Restrictive covenant for existing properties prevents painting of brickwork or use of render.
16. Overdevelopment of site.
17. Character of development not in keeping.
18. Position of car parking for mews properties unattractive.

Comment: See policy appraisal above (DESIGN)

19. Additional traffic – congestion - safety issues - close to school - area already accommodates over 200 dwellings with estimated 500 private cars – inadequate parking provision – access road on a blind bend - construction traffic.
20. Additional reliance on the car as means of transport.

Comment: See policy appraisal above (HIGHWAYS)

Comment: See policy appraisal above (TREES)

22. Flooding from Jibcroft Brook.
23. Whatever the results of the AMEC analysis might be, the EA Flood Zone designation stands until EA chooses to change it.

Comment: See policy appraisal above (FLOODING)


Comment: See policy appraisal above (NOISE)

25. Harm to animal species – several different species present on site - environmental impact.
26. Light pollution.

Comment: See policy appraisal above (ECOLOGY)

27. Site within safeguarding zone for hazardous installation – residential development should not be permitted so close.
28. Planning permission should not be granted until safety zone amended.

Comment: See policy appraisal above (HEALTH & SAFETY)

29. Impact upon infrastructure and services – education, shops, car parking, health, parking in village. Area already overdeveloped.
30. Concerns over the capability of the existing old Combined Public Sewer infrastructure.

Comment: See policy appraisal above (INFRASTRUCTURE)

31. Resident’s comments should not be summarised.

Comment: In order to ensure as concise a report as possible it is not practical to reproduce all submitted comments in full.


Comment: It is not considered that the human rights of nearby residents would be violated by the proposed development – impact upon living conditions and right to a family life are integral to several of the issues assessed above – also interest’s of individuals and the community / society as a whole have to be considered.

33. It could be argued that site should qualify as Green Belt, and possibly Village Green status.
34. Application should be ‘called in’ to secretary of state (section 77 of the Town and Country Planning Act).

Comment: Section 77 allows the Secretary of State to give directions requiring certain applications for planning permission to be referred to him instead of being dealt with by local planning authorities – the current application does not fall into a category of development requiring such referral – the site is outside the Green Belt and is not a Village Green.
Conclusions and reasons for recommendation/decision

It is necessary to assess the proposal against a wider policy context than just the UDP and specifically the NPPF and policies within the emerging Local Plan Core Strategy. The principle of development is subsequently acceptable and there are no justifiable grounds to withhold consent having regard to the previous UDP policies relating to housing restraint. Provision made for 30% affordable housing would be subject of a section 106 agreement. Adequate separation is retained to existing properties and there would be no material harm to outlook or privacy. Layout and design of houses is acceptable with views to landscape belt to north retained and buildings of satisfactory appearance and character. Secondary access desirable but not essential and visibility, parking, traffic generation and road specification all satisfactory. Agreed contribution would allow for improved pedestrian crossing facilities at junction of Common Lane and Hob Hey Lane. Majority of established tree stock is to be retained and removals required for the development are minor in nature and mitigated by replacement planting. Finished Floor Levels (FFL) of 21.90m (AOD) is acceptable in respect of flood risk. Surface water, discharge rates, landscape management and land remediation can be satisfactorily addressed as necessary. The nearby railway line is a sufficient distance away so as not to significantly impact upon living conditions of future occupiers. Localised remedial measures are likely to ensure land suitable quality for residential use. Bats are present and lighting needs to be kept to minimum within the northern landscape belt. Provision can be made for bats, birds and hedgehogs and habitat in form of pond, tree/hedge retention and Himalayan balsam removal. No record of archaeological features on site. A reduction of capacity of the nearby explosive storage facility is necessary. Operational changes and agreement with developer have made this viable and inclusion within the section 106 provides assurance that changes would be in place before development commences. Adequate infrastructure is in place having regard to the scale of development proposed and the agreed financial contribution makes provision for equipped play and recreation. The proposal is in accordance with the National Planning Policy Framework and the relevant provisions of the Warrington Unitary Development Plan and the Emerging Core Strategy subject to the recommended conditions and a section 106 agreement to secure the financial contributions for equipped play / sport and recreation provision (£42,886), affordable housing (30%), highway improvements (£28,563) and reduction of explosive capacity at nearby facility.
Appendix – Consultees Full Comments

Arboricultural Officer
Further to examination of the proposal, the choice of plantings is satisfactory, including native shrubs / tree species and climbers. The overall retention of the majority of establishing stock is welcomed, minor removals required for the development are minor in nature and mitigated by replacement planting. I would however seek clarification of the positioning of the proposed heras type fencing on the northern and eastern boundaries and would suggest that on the northern boundary, the fencing is erected at 10m from the existing post and rail fence line and on the eastern boundary 10m or more if practicable from the existing thorn hedge line.

Given the impact of the development on the existing tree stock, I would suggest that the northern and eastern plantings receive the added protection of a preservation order and as such, I would welcome your comments and/or instruction as you see fit.

Tree Preservation Order in process

Archaeological Officer
No features currently recorded in the Cheshire Historic Environment Record would be affected by the development and I advise that further archaeological mitigation will not be required. It may be useful to know that I was contacted by Cass Planning, agents to the applicants, concerning this site in April and informed them that I was unlikely to recommend any further archaeological mitigation for the reason outlined above. A copy of this response is set out below:

“I have checked the data held in the Cheshire Historic Environment Record and confirm that no sites currently included in the record lie within your area of interest. In addition, I have taken the opportunity to check the readily-available historic mapping and aerial photographs and have not noted anything of interest, In these circumstances, I do not think that further archaeological mitigation would be justified and, on present evidence I would not advise Warrington Borough Council that further archaeological work was required if a planning application were to be submitted”.

Culcheth & Glazebury Parish Council
Orica Exclusion Zone
The area of proposed development is sited close to an Orica UK explosives depot. There is an “Explosion Safeguarding Zone” in place which has, in the past, prevented any kind of building on the land in question. Residents in Doeford Close and the surrounding estate have been entered onto an emergency contact database, designed to provide them with alerts in the event that an emergency incident takes place. This Safeguarding Zone still exists, and at no time has it been suggested to the local populace that the situation is otherwise. Orica UK have never communicated with residents in this area of the Culcheth and Glazebury parish to indicate that there has been any amendment or abolition of the Safeguarding Zone. It is simply not
feasible, nor realistic; to allow development to take place on this land while such a Zone remains in place.

**Greenfield sites in Warrington**
The land on Doeford Close is, quite specifically, a Greenfield site. Warrington Borough Council’s own policy is clear that development should take place first on brown field sites. With current strategy presuming in favour of “brownfield first”, it is complete contravention of the council’s own guidance to commit to a development on Greenfield land when brownfield sites elsewhere in the Borough have yet to be built on.

**Traffic**
It is abundantly clear that the affect on traffic flow in this part of Culcheth village would be near catastrophic were this development allowed to go ahead. On the practical side of things, there is only one exit from the estate onto the nearby Twiss Green Lane – which, incidentally, already suffers from its own congestion problems and is difficult to navigate at peak times. The addition of these properties would simply add to the congestion difficulties suffered by residents in this area. There are around 250 properties already on the estate. This is a naturally car-dependent area, since it is distanced from the centre of the village and the nearest school and shopping facilities. The single point of entrance and exit would be unable to accommodate the proposed addition of 26 houses and their vehicles. There have already been a number of incidents in the past few years which have involved pedestrians and cars in this area. Couple that with the fact that the area around the nearby Twiss Green Primary School remains heavily congested during peak hours, the development would unquestionably create a traffic situation which the road network in this part of Culcheth could not cope with and which, in the long term, would be unsustainable. Members of the parish council do wholeheartedly support the comments submitted by local residents in respect of the safety concerns that this development may bring.

**Parking**
The layout of the proposed affordable housing has altered considerable from Redrow’s consultation document. The proposed set up is now desperately inadequate in terms of parking provision.

**Loss of visual amenity**
The development, were it to go ahead, would result in a considerable loss of visual amenity. Residents of Doeford Close and nearby roads have enjoyed the visual amenity that this land represents for the past 20 years. When other land in the town exists that has not been earmarked for development, it is both unsatisfactory and incomprehensible that this visual amenity should be taken away. There is also the potential for loss of light and overshadowing.

**Mews Cottages**
The proposed eight Mews Cottages are entirely out of keeping with the surrounding area and are in no way representative of the kind of properties already built in the vicinity.
Overdevelopment of the village
There has already been significant overdevelopment of Culcheth village in the last two decades. New housing has been provided at (amongst others) Culcheth Hall Farm Barns, the Newchurch Hospital Estate, Petersfield Gardens, Swinhoe Place, Langcliffe Close, Pendle Gardens and Newholme Close. The addition of 26 houses to this area of land is therefore unwelcome and undesirable, given that there has been no simultaneous increase in the amenities, services and facilities offered in the nearby area to accommodate them.

Sewer capacity
The sewer system in this part of the village is unlikely to be able to sustain an addition 26 properties. The system here serves a significant portion of Culcheth village already and there are already recorded incidents of residents on the Newchurch Hospital estate highlighting the odours and foul smells emanating from the system – particularly during periods of hot weather. Additional houses would only exacerbate this problem.

Flood risk
The boundary of the proposed development falls within the recognised ‘flood zone’ from the flow of Jibcroft Brook. It is, at best, questionable whether such a development should be permitted so close to the flood zone, when recently-commissioned reports highlight the fact that this area remains at risk.

Local employment, construction period and need
Redrow state that the construction work will bring jobs to the village and surrounding community. Since the process for building the existing estate was one of “build only what we can sell” and coupled with the current economic climate, it is unlikely that the proposed 26 houses will be built in one fell swoop. Redrow’s assurance of sustainable local jobs is, therefore, somewhat dubious and the sporadic building process is also indicative of a lack of need in the Warrington area for these type of houses.

Conclusion
It is the view of both this Parish Council, and its individual members, that this application should be refused. We give our full support to the residents of Doeford Close and the surrounding area in their objections and seek Warrington Council’s urgent commitment to denying Redrow the opportunity for any development on the land in question.

Environment Agency
Flood Risk
Our flood maps currently suggest that parts of the northern section of the site are located in Flood Zones 3 and 2, which are defined in the National Planning Policy Framework (NPPF) as having a high and medium annual probability of flooding from rivers and the sea.

The applicant has submitted a site specific Flood Risk Assessment (FRA) in support of their planning application, which was undertaken by AMEC Environmental & Infrastructure UK Limited (their ref: Final Report 12185i1,
May 2012). Their assessment of flood risk also included an additional hydrological and hydraulic modelling investigation of Jibcroft Brook to more accurately define the anticipated flood risk zones within the application area. The outputs of this study have resulted in a reduction in the anticipated floodplain extents within the site when compared with our own flood map.

During various pre-application discussions about this site we have had some involvement in reviewing the modelling exercise and have subsequently concluded that the assessment is generally fit for the purpose of supporting development proposals on the site.

During those discussions we had advised that all residential units should have their Finished Floor Levels (FFL) set at least 600mm above the corresponding 1 in 100 year (climate change) flood level. Referring to drawing number CUL-ENG-02 (Vehicle Swept Path Analysis) it would appear that the minimum proposed FFL on the development is 21.90 metres above Ordnance Datum (AOD). This is in the region of 600mm above the indicated 1 in 100 year (climate change level) of 21.46m AOD and is acceptable in principle.

As such, we are of the view that the proposed development will only meet the National Planning Policy Framework (NPPF) policy if the following planning conditions be imposed on any planning approvals - no raising of ground levels within the identified 1 in 100 year floodplain - finished floor levels are set no lower than 21.90m (AOD) - provision and implementation of a surface water regulation system.

In line with the Water Framework Directive, the required SUDS scheme linked to development within flood zone 3 should have biodiversity benefit as good ecological potential may be compromised by the loss of natural floodplain functionality within domestic and landscaped settings e.g. gardens. Flood risk management functionality provided by e.g. an underground storage tank would have no biodiversity benefit and hence the development would result in a net loss of ecological potential along this stretch of main river – recommended conditions - management of overland flow from surcharging of the site’s surface water drainage system

Landscape management plan
This needed to ensure that the landscape within the site is managed in such as way as to protect and enhance the ecological value of the site including the Jibcroft Brook and floodplain.

The scheme shall include the following elements:
- detail extent and type of new planting (NB planting to be of native species)
- details of maintenance regimes
- details of any new habitat created on site
- details of treatment of site boundaries and/or buffers around waterbodies
- details of management responsibilities
Contamination
We have reviewed the AMEC Environment & Infrastructure UL Limited, Phase 1 Geo-Environmental Desk Study (May 2012), with respect to potential risks posed to controlled waters from potential land contamination.

Based on the reviewed information, the site has not been associated with significantly contaminative historic land uses. However, the site is located in a sensitive location with regards to controlled waters – condition recommended.

Flood Defence Consent & Land Drainage Byelaw Consent
Please advise the applicant that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws (North West Region) the prior written consent of the Environment Agency is required for any works or structures located in, under, over or within 8 metres of the bank top of Jibcroft Brook, designated "main river".

Environmental Health
The application was supplied with a Preliminary Risk Assessment (PRA), and a number of potential pollutant linkages were identified and recommendations made. The conclusion of the risk assessment was to carry out a Phase II intrusive investigation. [Land contamination condition recommended].

The site may be subject to some noise from the surrounding transport networks however it is not considered likely that additional acoustic protection measures are likely to be required – standard fit glazing should provide adequate acoustic protection.

Health and Safety Executive
From the plans it is clear that the development falls within the consultation distance of the nearby explosives facility licensed by the HSE. Based on the information provided, the Explosives Inspectorate has considered the effect that the explosives operations allowed under the licence might have on the new development. If this development is allowed to proceed, the external population density permitted in this reference zone for this explosives facility will be exceeded. Our conclusion is that whilst the probability of a major accident involving explosives is low, the consequences to people at the development could be serious.

Therefore I advise you that should planning permission be granted for the development, the Explosives Inspectorate would review the explosives facilities licence. The planning authority may wish to note that this review may result in the facilities explosives capacity being significantly reduced, possibly putting its commercial viability in jeopardy.

The planning authority may wish to discuss the development with the licensee of the explosives facility before making its decision. The licensee is Orica UK Ltd, contact Mr Andy Rossiter on 01257 256100. We would be grateful if the planning authority would advise the Explosives Inspectorate at the above address of the outcome once a decision has been made.
Comments of Orica
Orica UK Ltd over the last 18 months has been going through considerable change with its main production facility at Roburite, Wigan closing and a replacement plant constructed at its Muirside Depot in Scotland.

Changes have also been made at the Glazebury Depot, Culcheth where UK market conditions have meant a reduction in the supply of traditional packaged explosives to more site mixed bulk explosives.

In supplying these changing market conditions Orica requires less explosive storage capacity.

The company still intends to use all of the buildings on the Glazebury Depot Site with licensing arrangements likely to be modified such that there will be a reduction in the amount of explosives each magazine can hold and the change of use of some buildings.

Orica has consulted with the HSE and written to Warrington Borough Council informing them that if the Council is minded to approve the planning application submitted by Redrow at Doeford Close, Orica will commence the necessary explosive storage reductions application so that the current safe guarding distances can be reduced eliminating the current impediment to the proposed development.

Highways
Further to highways comments issued on the 3rd August 2012, revised plans have been received and the following comments are now offered.

Proposed Development
The application seeks approval for proposed residential development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings, access roads and landscape works).

Secondary Emergency Access Route
Previous highways comments noted that the Warrington Design Guide for Residential and Industrial Estate Roads advises that developments in excess of 100 dwellings should be served by a secondary emergency access, and that the proposals would increase the number of properties served from the single access of Eddisford Drive from 214 to 240.

WBC Highways therefore requested that the applicant investigates the feasibility of delivering a secondary access to serve the proposals.

Subsequently, the applicant has confirmed that the route where a secondary access could potentially be created (between Hutton Close and Public Right of Way 110 Culcheth and Glazebury) is in two separate land ownerships.

Further research by WBC Highways has confirmed that the above information accords with current Land Registry records and that provision of a secondary access via this route may also affect additional land ownerships.
Consultations with Cheshire Fire Service
In respect of the above issue, WBC Highways have consulted Cheshire Fire Service to determine whether a planning objection would be forthcoming from the Fire Service given that a secondary access route is not proposed.

In an email to WBC Highways of the 7th September 2012 the Fire Service has confirmed that they would not object to the proposals on this basis, and would consider provision of a secondary access link as desirable rather than essential.

The Fire Service also advise that measures to discourage double parking on the existing access routes to the site should be considered.

In view of the above land ownership constraints and a lack of objection to the proposals from Cheshire Fire Service, WBC Highways accept that a secondary access cannot be insisted upon as part of this application.

Proposed Site Plan
Revised proposed site plan (drawing number CDC/DSL/001/Rev A) has been received. This incorporates a number of amendments, in response to previous highways comments.

1. Visibility splays of 2.4m by 40m are now shown from all three proposed accesses onto Doeford Close. This is acceptable.

Provision and maintenance of the proposed visibility splays should be ensured via way of planning condition.

2. The proposed widths of all 3 access routes serving the development now accords with the Council’s minimum standard of 4.8m.

3. Internal turning heads within the accesses have been increased in size to generally accord with the Council’s design standards.

4. Plots 9, 10 and 17 are shown to be served from dropped crossings from Doeford Close, not kerbed accesses as previously proposed.

5. A turning head is now proposed on the access serving Plots 1 - 8. This is welcomed, as it will allow refuse vehicles to turn on site and exit in a forwards direction thus removing the need for reversing back onto the highway of Doeford Close.

The proposed site plan is therefore acceptable.

Proposed Servicing Arrangements
Further to previous highway comments, a revised swept path analysis (drawing number CUL-ENG-02 Rev A) has been provided by the applicant.
This demonstrates that a refuse vehicle can now satisfactorily enter all accesses, turn on site and exit in both directions onto Doeford Close in a forward gear.

The proposed servicing arrangements are therefore acceptable.

Proposed Parking Provision
It is noted that the planning application forms confirm that it is proposed to provide 85 car parking spaces to serve the development. As 26 dwellings are proposed, this equates to provision of 3.27 spaces per dwelling.

Such provision is in excess of the Council’s adopted maximum standards which permit a maximum of two spaces per dwelling.

However, in view of Cheshire Fire Service’s comments that measures to deter parking on access routes should be considered, provision of additional parking over and above the Council’s adopted maximum standards, as proposed, is likely to be beneficial in that it can be expected to reduce the need for on street parking in the vicinity of the proposed development.

The proposed parking provision is therefore acceptable.

Likely Traffic Generation
The nationally accepted TRICS trip rate database has been reviewed in order to determine likely traffic generation arising from the proposals.

Assuming higher than average trip generation (i.e. using 85th percentile trip rates for robustness), the following trip rates and trip totals for the AM and PM peak hours can be expected.

<table>
<thead>
<tr>
<th>Peak Hour</th>
<th>Trip Rate</th>
<th>Trip Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arrivals</td>
<td>Departures</td>
</tr>
<tr>
<td>AM</td>
<td>0.243</td>
<td>0.543</td>
</tr>
<tr>
<td>PM</td>
<td>0.51</td>
<td>0.333</td>
</tr>
</tbody>
</table>

Table 1: Estimated Traffic Generation
As can be seen from the above, it is likely that the proposed development would result in traffic generation of an average of one additional vehicle movement every 3 minutes in both the AM and PM peak hours.

Local Highway Network - Site Observations
WBC Highways have observed current traffic conditions at the junctions of Eddisford Drive / Twiss Green Lane and Twiss Green Lane / B5207 Common Lane in the AM and PM peak hours.
Site observations confirmed that minimal queuing and delay occurs at both of the above junctions.

Accordingly, it is considered that an additional 1 vehicle movement every 3 minutes on this network would not be sufficient to justify a refusal on traffic capacity grounds.

**Local Highway Network - Accident Review**

In terms of local highway safety, the Personal Injury Accident records covering the access route to the site (from Eddisford Drive and Doeford Close) have been reviewed by the Council’s Collision Investigation Unit.

It has subsequently been confirmed that there have been no recorded traffic accidents on the above access routes to the site in the last 5 years.

**Supplementary Planning Document**

The Council’s Supplementary Planning Document “Planning Obligations” (approved by the Council’s Executive Board on the 17th September 2007) has been reviewed. This seeks to secure a financial contribution of £413 per additional daily trip arising as a result of proposed development, in order to support implementation of the Council’s Local Transport Strategy.

In this instance, using trip rates provided by TRICS, the calculation for transport improvements would be as detailed below:

$$26 \text{ (no of dwellings)} \times 5.320 \text{ (daily trip rate per dwelling)} \times £413 = £57,126$$

In respect of the above, an email from the applicant received on the 30th August 2012 confirms an offer to contribute 50% of the above SPD total (£28,563) to be used towards the implementation of pedestrian crossing facilities on the B5207 Common Lane / Hob Hey Lane.

The Council’s Public Realm section has informed that various requests for the improvement of pedestrian crossing facilities at the junction of Common Lane and Hob Hey Lane have been received from residents and ward councillors over recent years.

In respect of the applicants proposed contribution of £28,563, the Council’s Public Realm section has confirmed that a scheme for improvement of pedestrian crossing facilities at the junction can be implemented for this sum.

The above financial contribution is therefore welcomed.

**Conclusions**

In view of the above, no highways objections are raised in respect of the proposed development, subject to a S106 agreement securing payment of £28,563 towards the implementation of sustainable transport improvements.
Should planning permission be granted we would also request attachment of the following planning condition:

“Prior to first occupation of the dwellings, visibility splays of 2.4m x 40m, as shown on drawing number CDC/DSL/001 Rev A, shall be provided from all access points in both directions on Doeford Close, and shall be retained thereafter with nothing being erected or allowed to grow above a height of 0.6m within the splays unless otherwise agreed in writing with the Local Planning Authority.”

Additionally, the following informative is also offered:

“In order to construct the proposed site access roads to a standard capable of future adoption, the applicant will need to enter into a S.38 agreement with the Council. To action, the applicant is advised to contact Chris Bluck, the Council’s Highways Adoption Engineer on 01925 442688.”

Natural Environment Officer

Legislative Context

The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on Local Authorities to have regard to the conservation of biodiversity in exercising their functions. In the context of planning applications, conserving Biodiversity includes restoring and enhancing species populations, as well as protecting them. When this duty is taken into consideration with the NPPF, as an authority Warrington Borough Council need to ensure that when granting any planning permission it would not conflict with these policies. The results of any surveys and landscape master plans will be used to determine this when considering any planning permission.

One of the key aspects of NPPF 11: Conserving & Enhancing the Natural Environment is that planning decisions should aim to conserve and enhance biodiversity and incorporates it into and around developments. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented adequately mitigated against, or compensated for, then planning permission should be refused.

Public authorities have a Duty to have regard to the conservation of biodiversity in exercising their functions. This Duty was introduced by the Natural Environment and Rural Communities Act and came into force on 1 October 2006. Through the NPPF the Government has indicated that local authorities should take steps to further the conservation of habitats and species of principal importance through their planning function and promote the preservation, restoration and re-creation of ecological networks.

The Conservation of Habitats and Species Regulations 2010 Implement the Habitats Directive. Schedule 2,40 (1) of the Regulations makes it an offence to deliberately capture, kill or disturb a member of a European Protected Species or to damage or destroy the breeding site or resting place of such an
animal. These Regulations require all local planning authorities in the exercise of their functions to have regard to the provisions of the Habitats Directive so far as they might be affected by those functions.

Supporting information
This application is supported by an Ecological Appraisal (ERAP Ltd) Nov 2011 which was carried out to nationally recognised standards by suitably qualified persons. Whilst the survey was carried out at a sub optimum time of year I have no cause to disagree with the findings of the survey.

No protected species were found to be at this location and the development will have no direct impact on any designated sites. There is currently a variety of vegetation on the site which will provide habitat for invertebrates, birds and small mammals including bats. Through any proposed development I would expect to see these species catered for within any landscaping proposals.

Priority & protected species
Bats are present in the area and are likely to be feeding and commuting through and around the site. Therefore its essential lighting of the site is kept to a minimum and any that is required is directional to reduce light spill. The tree canopy areas and Jibcroft brook zone must remain dark. A mature ash was noted in the ERAP survey as having potential feature suitable for use by bats. This tree’s trunk sits just outside of the site’s eastern boundary and is shown on the submitted plans as being retained. Provided there will be no impact to this tree there is no further requirement for detailed investigation to determine use by bats.

The inclusion of bat roosting features such as bat bricks, tiles or tubes (eg Schwegler 1FR, 2FR) would be suitable in this location and should be built into the design of the houses with additional boxes on any suitable trees. These require careful sighting as guided by an ecologist.

Hedgehogs are present in the area and are suffering dramatic decline. The site currently provides suitable habitat for this species but this will be lost through the proposed development. The periphery habitat will remain but there is scope to accommodate hedgehog movement through the site by simply ensuring all fences are set raised 10cm from the ground, this information should be shown in any relevant plans and conveyed to contractors.

House sparrows are also a UK priority species along with starlings and as recommended in the report boxes should be installed through the development, numbers and locations of these should be shown on a plan.

The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees and scrub are present on the application site.
and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

Landscape & biodiversity
The site holds a number of mature trees which make up important linear features on the site, the majority of these are proposed to be retained through the development, and Tree Preservation Orders on these groups would be supported.

The proposed site layout plan as submitted and commented on at the pre-app stage in February 2012 showed a pond located towards the north eastern side of the site at the top of the access road near plots 21 & 22. This feature has been omitted off the submitted plans. A pond at this location is welcomed and would be seen as a biodiversity enhancement to the site, this should be added to any plans minded to be approved and include details for size, depth and any aquatic planting. There has previously been a pond on site as identified in the ERAP survey and a replacement would be appropriate through the proposed development.

The site is bordered to the immediate north by Jibcroft Brook, it’s noted that the development will leave a landscape buffer zone between the development and this feature which is welcomed. This buffer should remain in perpetuity for the life of the development and should be left undeveloped which includes a restriction on garden expansions by the adjacent properties. This is to protect the brook and riparian habitat.

The Ecological Appraisal survey noted native species were not present within the site boundary but did note Himalayan balsam (Impatiens glandulifera) is present along the brook. From my site visit in Spring Himalayan balsam was present within the site boundary and as such this will need treating, the spread of this alien species is prohibited under the Wildlife & Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring. Therefore we advise that a detailed method statement for the removal or long-term management /eradication of Himalayan Balsam on the site is undertaken, this can be achieved via a condition.

The development will no doubt result in an increase in lighting within the site. Lighting has a negative impact to many nocturnal species and habitat corridors such as the brook and tree belts on the east and western boundary of the site should be kept dark.

Hedges are proposed within the landscape scheme as indicated on drawing number 4103.02. The species detailed for these hedges are Beech (Fagus sylvatica) and Box (Buxus sempervirens). A length of hedge is proposed along the sites western boundary along with additional areas around plots 10, 17, 19 and to the front of other properties. These locations are welcomed but the species mix should be replaced with that of the native shrub mix as a native
hedgerow which would be more appropriate for this rural location and more beneficial for UK priority farmland birds which are a material consideration. With regards to the detailed mix I would recommend reducing the percentage of Prunus spinosa to 10% and supplementing it with 5% Lonicera periclymenum.

The ERAP survey noted a hedgerow (H1) to the sites eastern boundary which is not an ‘important hedgerow’ as classified under the Hedgerow regulations however it is UK priority habitat and should be retained and protected through the development. It would also be beneficial to improve this hedgerow by infill planting in any gaps.

The wildflower meadow mix is welcomed however details are required as to how this area will be established and maintained (including access provision for any mowers to aid cut and lift operations). This information could be provided within the condition as suggested by the Environment Agency. As discussed above this area to the north of the site does hold Himalayan balsam however and will require treating for this prior to any works within this area. The soil will hold a seed bank and any disturbance/movement of the soil could cause this none native invasive plant to spread.

Planning Policy

The Development Plan

The National Planning Policy Framework (NPPF) came into effect on 27th March 2012 and introduced new transitional arrangements for development plans. Paragraph 215 of the NPPF is the most relevant in clarifying the status of existing policies within Warrington because Warrington’s policies, saved beyond 2009 from the UDP by the Secretary of State, do not automatically benefit from the provisions set out in paragraph 214 of the NPPF.

Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework [the NPPF]. It further states that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given, i.e. the determining factor as to how much weight can be attributed to any of Warrington’s existing policies is therefore the degree of conformity between that policy and the NPPF.

The NPPF also identifies at paragraph 216 with regards to emerging Local Plans (Development Plans) that:

From the day of publication, decision-takers may also give weight relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and;
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The provisions of paragraph 216 are particularly pertinent in Warrington given the Council published their emerging Local Plan Core Strategy for formal ‘publication’ consultation on 21st May 2012. There have been no significant objections to the policy approaches of relevance to this application within the plan in previous rounds of consultation and hence the Local Plan Core Strategy is considered to constitute a significant material consideration in the determination of planning applications from this point forward. A formal statement which confirms the exact weighting to be attached to policies will be issued by the Council post the 6th July when formal consultation has closed and analysis of responses is complete.

Assessment of the Proposal
The application site is within the defined settlement of Culcheth which is defined through the existing UDP as an Inset village. The emerging Local Plan rolls forward this designation and proposes no change to the village boundaries.

Policy CC1 of the Council’s emerging Local Plan Core Strategy identifies that within Culcheth, new build development will be allowed providing such proposals comply with national policy and are sustainable by way of reference to Policy CS1. This approach essentially continues the approach of UDP Policy GRN4.

Policy SN1 of the Council’s emerging Local Plan Core Strategy identifies that the Council will support “small-scale, low impact, infill development” within all of the Borough’s defined settlements. The proposed development appears to be small-scale in nature when considered within the context of the wider village. The extent to which it can be regarded as ‘low-impact’ however is evidently dependent on more detailed matters and hence is a matter for the consideration of the development management officer. If impacts associated with the proposal are however concluded as being within acceptable limits, then the proposal is acceptable in principle from a planning policy perspective.

With regards to assessment against UDP Policies HOU1, HOU2 and the Managing the Housing Supply SPD, it is not considered that the proposal would undermine the key objectives which underpin these policies i.e. the proposal (owing predominately to its scale) is not considered to compromise regeneration efforts. Whilst these policies have previously sought to withhold the release of sites, unless it can be demonstrated that a delay in developing the site would prejudice its successful future redevelopment, this element of the policy is not considered to be compliant with the NPPF. Paragraph 215 makes clear that where policies are inconsistent with the NPPF then (as is the case in Warrington) the NPPF should take precedence.
Whilst the applicant contends that the site should be regarded as previously developed land, it is my opinion that the site should be regarded as Greenfield. Whilst accepting that the site was once within the curtilage of the former New Church hospital, the land now subject to this application was understood to have fulfilled playing pitch purposes and as such constituted open and undeveloped space.

Whilst the Council’s emerging Local Plan Core Strategy seeks to secure that 80% of new housing is built on previously developed land, the resultant policy approach does not seek to withhold the release of Greenfield land because the nature of supply within the Borough should ensure that this target is met. The release of this site would not therefore compromise the 80% target being achieved and as such there is no objection to the release of the site.

Whilst it is acknowledged that UDP Policy HOU1 identifies that permission should not be given for developments on Greenfield sites, this is also considered to conflict with the NPPF. The Council’s emerging Local Plan Core Strategy also seeks to intentionally move away from this position, in order to help maximise opportunities for affordable housing and importantly ensure a more flexible and responsive forward supply of land, and I see no reason on this occasion why this more pragmatic approach should not prevail.

Policy SN2 of the Council’s emerging Local Plan Core Strategy identifies that the Council will require schemes of 15 or more units, on sites out with Inner Warrington, to make 30% of the total number of units available as ‘affordable’ provision – a requirement which would apply to this proposal. The provision of eight affordable units would therefore have to be made to ensure compliance with Policy SN2. Policy SN2 identifies that the affordable provision should be on-site and I see no reason why a departure from this approach would be justified on this occasion.

Policy SN2 also specifies that 50% of the required provision (4 units) should be for social rent and 50% (4 units) for intermediate housing. This mix, alongside actual onsite provision, should therefore be appropriately secured. Similar to previous agreements within the Borough’s outer lying villages I see no reason why such an approach could not be tailored to ensure that residents of the village are considered for the housing before nominations are opened up more widely.

Conclusions
In conclusion it is considered appropriate to assess the proposal against the NPPF and policies within the Council’s emerging Local Plan Core Strategy. By way of reference to policies of relevance the proposal is considered to be acceptable in principle subject to 8 of the 26 units being secured as on-site affordable housing provision.
Application Number: 2012/20365

Location: Risley Landfill Site, Silver Lane, Warrington, WA3 6BY

Ward: Culcheth, Glazebury And Croft

Development: Proposed variation of condition 1 on permission 2011/18326 to require the compound, plant and machinery to be dismantled and removed from the site at least 8 weeks prior to site restoration (to allow site restoration in accordance with the approved restoration scheme).

Applicant: Mr Biffa Waste Services Ltd

Recommendation: Approve subject to Conditions

Conditions:
- Previous conditions to remain where applicable
- Site to be restored by 31st March 2015
- Compound, screen bunds, plant and machinery to be removed by 8th September 2014

Reasons for Referral

- This application together with applications 2012/20366 & 20367 (on this agenda) have been brought before Committee at the request of Cllr Vobe who wishes to speak on all three applications.

- Objections/ concerns have been raised by Birchwood Town Council, Croft Parish Council and Culcheth & Glazenburg Parish Council (see responses below).

Description

- Condition no.1 on 2011/18326 reads:-

  “The site shall be fully restored by 19 October 2012 in accordance with the previously approved restoration scheme contained with permission 2008/13753. The compound, screen bunds, plant and machinery shall be dismantled and removed from the site at least 8 weeks prior to 19 October 2012 to allow satisfactory completion of the restoration of the landfill site ”

- A variation of condition no.1 is sought to retain the soil treatment facility until there is sufficient soil on site to enable the site to be restored in
accordance with the approved restoration scheme.

- The applicant has suggested the following wording as a revised condition on any approval:

  “The site shall be fully restored by 31st March 2015 in accordance with the previously approved restoration scheme as shown in the drawing entitled Final Restoration Scheme, drawing no. 1, dated January 2011. The compound, screen bunds, plant and machinery shall be dismantled and removed from the site by 8th September 2014 to allow the satisfactory completion of the restoration of the landfill site”.

Applicant supporting information:

- Landfilling operations ceased in October 2011 and the site is currently in the process of restoration. In order to fully restore the site in accordance with the approved restoration scheme it is now necessary to bring in soils before trees can be planted and pasture areas seeded.

- There is a shortage of restoration soils and as such a separate planning application (2012/20366) has been submitted to allow sufficient time to bring in soils to enable the full restoration of the site.

- The site benefits from the presence of a soil remediation facility (SRF) which has enabled the site to bring in soils with elevated levels of organic contaminants for treatment to remove those contaminants prior to the use of the clean treated soils in site restoration.

- The SRF is a sustainable process which allows the bio-remediation of contaminated soils that would otherwise be needlessly disposed to a landfill site thereby recycling contaminated soils and moving their management up the waste hierarchy from disposal to recycling and is therefore in accordance with the revised Waste Framework Directive 208/98/EC and the Landfill Directive.

- Biffa Waste Services Limited seek to retain the SRF for a period of time that corresponds with the projected date for the completion of the sites restoration which is subject to a separate application [2012/20366 & 20367].

Location

- Risley Landfill Site, Silver Lane, Risley due north of M62 and accessed from junction 11.
Relevant History

The site has been subject to various applications the most important being:

- **91/28118** - approved by CCC in 1992 for the disposal of controlled waste by landfill.


- **96/34975** - Variation of conditions to permit revised contours, restoration and aftercare. Approved October 1996.

- **A02/44982** - Extension to landfill including revised restoration, formation of screening landform and creation of wetland. Approved July 2003.

- **2004/03623** – soil remediation facility approved 20 December 2004 – removal required 8 weeks prior to completion of restoration.


- **2008/13753** - two year extension of time until 19 October 2010 for the completion of waste disposal and a one year extension to 19 October 2011 to complete restoration.

- **2008/13781** - extension of time for use and removal of soil remediate facility – removal 8 weeks prior to required date for site restoration – i.e. 8 weeks prior to 19 October 2011.

- **2010/17206** - 18 month extension of time to 19 April 2011 for completion of waste disposal and one further year to complete restoration by 19 April 2013 – approved December 2010.

- **2011/18326** - variation of conditions to fully restore site by 19th October 2012 and dismantle/remove the compound, screen bunds, plant and machinery at least 8 weeks prior to 19th October 2012.

- **2011/18957** - variation of condition to allow continued importation of leachate via site haul road until 19th October 2012.

- **2012/20366** - variation of conditions to extend completion of site restoration until, or before, 31st March 2015 and extend period for importation of leachate - **REFER TO SEPARATE REPORT ON THIS AGENDA.**
• **2012/20367** - variation of condition to allow restoration of site to be completed on or before 31st March 2015 – **REFER TO SEPARATE REPORT ON THIS AGENDA.**

• **2012/20604** (received 10.09.2012, consultations in progress) - extension of the existing leachate treatment facility to provide a new leachate discharge point accessed via Silver Lane at the former Risley Landfill site - **REFER TO SEPARATE REPORT ON THIS AGENDA.**

**Main Issues and Constraints**

• The main issue is the need to achieve the successful restoration of the site in accordance with the approved scheme.

**Key policy/guidance checklist**

• The following national and regional guidance & policy is considered to be of background and strategic level relevance to this proposal:-

  - National Planning Policy Framework
  - Adopted Warrington UDP policies:
    - DCS1; LUT1; GRN2; REP1; REP10; MWA4; MWA5;
    - Relevant development control issues; transport priorities; environmental protection; waste management applications

| Relevant control issues | The application seeks to extend the timescale for the completion of the previously approved landfill/ restoration consents. In these circumstances it is not necessary to assess the application against land use planning policy as these requirements have been addressed in previous planning approvals. Policies MWA4 & MWA5 require landfill sites to be restored to high standards with suitable provisions for aftercare. This application, in conjunction with applications 2012/20366, 20367, & 20604, accords therefore with policies MWA4 & MWA5 in that they seek to address continued site restoration and aftercare. |

**Responses to consultation** (Full details on file)

**WBC Highways**
No objection.

**Environment Agency**
No objection. The site benefits from an Environment Permit (BV7877IR).
Responses to Notification (Full details on file)

Croft Parish Council
No objection (to all three applications – comments awaited on 20604) but is disappointed that the restructure will take so long; note that the landfill has ceased; notes with pleasure that access by the public is being made to certain areas of the site; and wishes that the proposals should have no effect on resolving the issue of Silver Lane access.

Birchwood Town Council – are extremely disappointed although not entirely surprised about the new applications (comments awaited on 20604). As the whole Council has not had the opportunity to discuss the application fully at a Town Council meeting [next meeting 25.09.2012] they have no option but to make a formal objection at this point to all three applications and request that the applications go before the Development Management Committee. As the timescale for landscaping and remediation was set by the DMC at the time of the current consent, Members believe that any extension should be considered by that Committee, not under delegated authority.

BTC find themselves in the completely unacceptable situation of having to inform local residents that the site will not be completely restored for a further two years - on the premise that if the time is not allowed then the job will not be to as high a standard as it should be!

Given the planning history of the site BTC request a condition that if the Committee is minded to further approve these applications that no further extensions will be granted and better efforts must be made by the Company to do whatever is necessary to complete the site within the time limit, if not sooner, safely and to the highest possible standard and that this be monitored by the Borough Council.

Culcheth and Glazenbury Parish Council
No objection. Main concern is that they want Risley Landfill Site completed, restored and secured with footpaths in place as soon as is possible. They do not want lorries routed through Culcheth. The landfilling operations ceased in October 2011 but the PC are disappointed that the restoration is to take so much longer.

1 neighbour objection requesting refusal of the applications.

Comment:

The notification responses received to date are fully understood and acknowledged. WBC wish to secure site restoration and completion as soon as is practically possible.

Although the recommendations on all of the applications on this agenda are for approval, subject to appropriate conditions, if accepted it is also proposed to inform the applicant that any further requests for variation of conditions/extension of time are highly unlikely to be supported.
Conclusions and reasons for recommendation/decision

The proposed variation of condition no.1 on permission 2011/18326 would not cause additional material harm and would accord with policies MWA4 & MWA5 of the adopted Warrington UDP.
**Application Number:** 2012/20366  
**Location:** Risley Landfill Site, Silver Lane, Warrington, WA3 6BY  
**Ward:** Culcheth, Glazebury And Croft  
**Development:** Application for variation of conditions 2 & 3 of permission 2011/18957 to extend completion of site restoration from 19th October 2012 until, or before, 31st March 2015 and allow continued importation of leachate via site haul road from 19th October 2012 until, or before, the final placement of restoration soils or the implementation of the leachate discharge point at the existing leachate treatment compound accessed via Silver Lane, whichever is the sooner.  
**Applicant:** Mr Biffa Waste Services Limited  
**Recommendation:** Approve subject to conditions  
**Conditions:**  
- Previous conditions to remain where applicable  
- Site to be restored by 31st March 2015  
- Importation of leachate via haul road to cease prior to final placement of restoration soils or implementation of discharge point, whichever sooner

### Reasons for Referral

This application together with applications 2012/20365 & 20367 (on this agenda) have been brought before Committee at the request of Cllr Vobe who wishes to speak on all three applications.

Objections/ concerns have been raised by Birchwood Town Council, Croft Parish Council and Culcheth & Glazebury Parish Council (see responses below, on 20365 & 20367).

### Description

Condition no.2 on 2011/18957 reads:-

“The restoration of the site shall be completed on or before 19 October 2012 in accordance with the approved restoration scheme as shown on drawing RT4/1 as amended by drawing No.1 dated November 2012”.
A variation of condition no.2 is sought to extend completion of site restoration from 19\textsuperscript{th} October 2012 until, or before, 31\textsuperscript{st} March 2015.

Condition no.3 on 2011/18957 reads:-

“The use of the northern haul road to access the current leachate discharge point or for any other purpose shall cease on or before 19\textsuperscript{th} October 2012”.

A variation of condition no.3 is sought to all continued importation of leachate via site haul road from 19\textsuperscript{th} October 2012 until, or before, the final placement of restoration soils or the implementation of the leachate discharge point at the existing leachate treatment compound accessed via Silver Lane, whichever is the sooner.

The applicant has suggested the following wording as a revised conditions on any approval:

“The restoration of the site shall be completed on or before 31 March 2015 in accordance with the approved restoration scheme as shown in the drawing entitled Final Restoration Scheme, drawing No.1, dated January 2011”.

“The importation of leachate via the northern haul road to the current leachate discharge point shall cease prior to the final placement of restoration soils or the implementation of the leachate discharge point at the existing leachate treatment compound accessed via Silver Lane, whichever is the sooner.”

Applicant supporting information:

As part of the sites environmental controls leachate is collected and treated prior to discharging the treated leachate to sewer thereby maintaining the leachate level in the landfill below the requirements of the site permit. At Risley Landfill Site this is done at the purpose built leachate treatment facility which avoids the need to tanker untreated leachate to a sewage treatment works. Whilst the waste disposal operations at the landfill site have ceased the waste deposit will continue to generate leachate for many years and as such we are required to continue with the environmental controls for the leachate.

Planning permission for a leachate treatment facility at Risley landfill site was granted in 1992 (ref. 92/28460) which successfully treats leachate prior to discharge to sewer. The leachate treatment facility itself will be required on site for many years to continue to treat Risley’s leachate in accordance with planning permission 1/28460. Since the facility has been operational Biffa have imported leachate from some or our other landfills to fully utilise any spare capacity at the facility.
Upon the cessation of landfilling, planning permission (ref. 2011/18957) was granted to continue importing leachate via the haul road until the site was restored and planning permission was gained to provide a new discharge point at the leachate treatment compound accessed via Silver Lane.

A separate planning application will shortly be submitted [now received – 2012/20604 - & on this agenda] in relation to the new discharge point. Should planning permission be granted then once constructed and implemented leachate would be imported and discharged to the leachate treatment compound via Silver Lane rather than by the haul road.

**The Proposal** Whilst Risley Landfill Site is in restoration the haul road will be utilised to bring in the soils required to restore the site. The haul road is also used to bring in soils to the Soil Remediation Facility (SRF) so that they can be treated prior to their use in the restoration of the site. The SRF will be removed eight works prior to the completion of restoration and the haul road will be removed once all the restoration soils required to complete the sites restoration have been brought to site.

Prior to the completion of restoration we intend to install a leachate discharge point along Silver Lane adjacent to the leachate treatment facility and consequently we will be shortly be submitting a separate planning application [now received - 2012/20604 - & on this agenda] for the importation of leachate via Silver Lane for the life of the leachate treatment facility.

We plan to install the new leachate discharge point as soon as possible but until it is in place we wish to continue using the haul road to import leachate to the current discharge point adjacent to the haul road.

**Vehicle Movements** Deliveries would continue to only take place within the current opening hours of the site which are 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 on Saturdays. We typically receive three deliveries per day on average, however, as the frequency of delivery is not uniform, there can be no deliveries for a couple of days but on occasion there may be up to eight deliveries in one day.

**Environmental Benefits** Tankering the leachate from our other landfill sites to waste water treatment works (WWTW’s) does not enable the removal of ammoniacal nitrogen (ammonia) as few WWTW’s currently possess a nitrification process. The ammonia would merely be diluted due to the large throughput of the works to enable it to be discharged to watercourses. The leachate treatment facility at Risley therefore offers an environmental benefit through enabling the ammonia content to be reduced by approximately 90% through the specialist treatment process prior to its discharge to sewer under the discharge consent.

**Location**

Risley Landfill Site, Silver Lane, Risley due north of M62 and accessed from junction 11.
**Relevant History**

Refer to the report for 2012/20365 on this agenda for relevant site history.

**Main Issues and Constraints**

The main issue is the need to achieve the successful restoration of the site in accordance with the approved scheme.

**Key policy/guidance checklist**

The following national and regional guidance & policy is considered to be of background and strategic level relevance to this proposal:-

**National Planning Policy Framework**

**Adopted Warrington UDP policies:-**

| DCS1; LUT1; GRN2 REP1; REP10; MWA4; MWA5; | Relevant development control issues; transport priorities; environmental protection; waste management applications | The application seeks to extend the timescale for the completion of the previously approved landfill/ restoration consents. In these circumstances it is not necessary to assess the application against land use planning policy as these requirements have been addressed in previous planning approvals. Policies MWA4 & MWA5 require landfill sites to be restored to high standards with suitable provisions for aftercare. This application, in conjunction with applications 2012/20365, 20367 & 20604, accords therefore with policies MWA4 & MWA5 in that they seek to address continued site restoration and aftercare. |

**Responses to consultation** *(Full details on file)*

WBC Highways
No objection.

**Responses to Notification** *(Full details on file)*

Croft Parish Council
see comments on 20365.
**Birchwood Town Council**
See comments on 20365.

**Culcheth and Glazenbury Parish Council**
See comments on 20365. This application refers to the leachate discharge point and although the Silver Lane access point may be in use until 8th September 2014 there again is concern for a realistic time scale for haul road removal.

4 neighbour objections on the following grounds:

Refusal of the applications requested:

- fear if granted applicant will continue to work the system by appealing for many years to come and try to develop the site or even enlarge the operation by purchasing extra land;

- people living close to this tip and general population of Culcheth deserve the original decision of the Public Inquiry be adhered to;

- object to proposal to extend the life of the leachate discharge point because in it's present position it imposes the maximum visual intrusion on the people of Culcheth;

- Biffa have been referring to their long term plans to discharge in Silver Lane since March 2011. They should have concentrated on this rather than expecting a further time extension.

Comment:

The notification responses received to date are fully understood and acknowledged. WBC wish to secure site restoration and completion as soon as is practically possible.

Although the recommendations on all of the applications on this agenda are for approval, subject to appropriate conditions, if accepted it is also proposed to inform the applicant that any further requests for variation of conditions/ extension of time are highly unlikely to be supported.

NB The application description has been amended and all consultees & neighbours renotified as the original description issued by WBC was incorrect. A further 14 days has been given to respond which expires before Committee. Committee will be updated on any additional issues or grounds received which are not already referred to in the reports for the Risley Landfill Site.

**Conclusions and reasons for recommendation/decision**

The proposed variation of condition nos. 2 & 3 on permission 2011/18957 would not, on balance, cause additional material harm and would accord with policies MWA4 & MWA5 of the adopted Warrington UDP.
<table>
<thead>
<tr>
<th>Plans List</th>
<th>Item 5</th>
<th>04-Sep-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Application Number:</strong></td>
<td>2012/20367</td>
<td></td>
</tr>
<tr>
<td><strong>Location:</strong></td>
<td>Risley Landfill Site, Silver Lane, Warrington, WA3 6BY</td>
<td></td>
</tr>
<tr>
<td><strong>Ward:</strong></td>
<td>Culcheth, Glazebury And Croft</td>
<td></td>
</tr>
<tr>
<td><strong>Development:</strong></td>
<td>Proposed variation of condition 4 on permission 2010/17206 to allow restoration of the site to be completed on or before 31st March 2015 in accordance with the approved scheme.</td>
<td></td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>Mr Biffa Waste Services Ltd</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Approve subject to conditions</td>
<td></td>
</tr>
<tr>
<td><strong>Conditions:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Previous conditions to remain where applicable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Site to be restored by 31st March 2015</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reasons for Referral**

- This application together with applications 2012/20365 & 20366 (on this agenda) have been brought before Committee at the request of Cllr Vobe who wishes to speak on all three applications.

- Objections/ concerns have been raised by Birchwood Town Council, Croft Parish Council and Culcheth & Glazenbury Parish Council (see responses below, on 20365 & 20366).

**Description**

- Condition no.4 on 2010/17206 reads:-

  “The restoration of the site shall be completed on or before 19 October 2012 in accordance with the approved restoration scheme as shown on drawing RT4/1 as amended by drawing No.1 dated November 2012”.

- A variation of condition no.2 is sought to extend completion of site restoration from 19th October 2012 until, or before, 31st March 2015.
The applicant has suggested the following wording as a revised condition on any approval:

“The restoration of the site shall be completed on or before 31 March 2015 in accordance with the approved restoration scheme as shown in the drawing entitled Final Restoration Scheme, drawing No.1, dated January 2011”.

Applicant supporting information:

Following the final closure of Risley Landfill Site to waste disposal operations on 19th October 2011, Biffa Waste Services Limited have begun restoration of the site to a mixture of woodland and grassland areas with a network of footpaths and bridleways. The projected date for the completion of soiling is November 2014 with tree planting in the first available planting season thereafter. Biffa seek planning permission for the closure plan to complete the restoration scheme by 31st March 2015 which will enable public access to the site.

Biffa are in a position to enable public access to the restored areas of the landfill. The 45 ha site of Risley III has already been fully restored to a mixture of woodland, meadows and nature conservation and this area was opened to controlled access to interest groups in 2010. Following the successful trial period of public access and following discussions with the landfill liaison group Biffa are in the process of opening up these areas to the general public to make use of the network of footpaths that have been provided through the restored areas of the site.

Including the wetland area created along the northern boundary, Risley IV represents a total area of 97 ha. The restored landfill area (65 ha) will create a mosaic of woodland and grassland areas which will appear as natural woodland designed to maximise ecological diversity and to provide an attractive backdrop to the network of footpaths and bridleways across the area. The three large waterbodies created along the northern boundary of the site already provide a rich ecological habitat and these areas are now well established. In consultation with the local representatives on Biffa’s liaison group we have provided a network of pathways around these scenic wetland areas which have attracted significant wildlife increasing the biodiversity of this area. The footpaths link in to the footpaths across the restored area of Risley III and the wider rights of way network around the site. In due course the footpaths will link to the network of footpaths and bridleways across the landfill area of Risley IV for local residents.

It is important to note that landfilling with biodegradable waste has already ceased and therefore there is no potential for odour, litter, or other similar types of nuisance during the restoration period. The additional time period required is to bring in additional soils to ensure we are able to restore the site to a suitably high standard. It is important to note that a significant proportion of the site will be restored this year. The areas most visible from
outside the site have been targeted for restoration this year and it is the last phases that are least visible to residents that will be subject to the extended restoration period.

- In 2010 Biffa applied for an 18 month extension of time to complete waste disposal operations which would have meant waste operations ending on the 19th April 2012 and restoration being completed 19th April 2013. This application was determined in 2011, however, waste disposal operations were restricted to 12 months and as such the site ceased to receive waste on 19th October 2011. In order to comply with this shortened date an area equivalent to approximately 107,000m³ adjacent to the site entrance was not filled to ensure that the site closed to waste on 19th October 2011. In order to provide a landform with appropriate surface water drainage this area now needs to be brought up to restoration level with soils which has therefore increased the volumes of soils required to complete the restoration and added to the time period to complete restoration.

Location

- Risley Landfill Site, Silver Lane, Risley due north of M62 and accessed from junction 11.

Relevant History

- Refer to the report for 2012/20365 on this agenda for relevant site history.

Main Issues and Constraints

- The main issue is the need to achieve the successful restoration of the site in accordance with the approved scheme.

Key policy/guidance checklist

- The following national and regional guidance & policy is considered to be of background and strategic level relevance to this proposal:-

  - National Planning Policy Framework
  - Adopted Warrington UDP policies:

| DCS1; LUT1; GRN2 REP1; REP10; MWA4; MWA5; | Relevant development control issues; transport priorities; environmental protection; waste management applications | The application seeks to extend the timescale for the completion of the previously approved landfill/ restoration consents. In these circumstances it is not necessary to assess the application against land use planning policy as these requirements have been addressed in previous planning approvals. |
Policies MWA4 & MWA5 require landfill sites to be restored to high standards with suitable provisions for aftercare. This application, in conjunction with applications 2012/20365, 20366 & 20604, accords therefore with policies MWA4 & MWA5 in that they seek to address continued site restoration and aftercare.

Responses to consultation (Full details on file)

WBC Highways
No objection.

Responses to Notification (Full details on file)

- Croft Parish Council – see comments on 20365.
- Birchwood Town Council – see comments on 20365.
- Culcheth and Glazenbury Parish Council – see comments on 20365.

2 neighbour objections on the following grounds:

- 1 requesting refusal of the applications;
- application is vexatious;
- Biffa should bear all costs in any subsequent hearing.

Comment:

- The notification responses received to date are fully understood and acknowledged. WBC wish to secure site restoration and completion as soon as is practically possible.

- Although the recommendations on all of the applications on this agenda are for approval, subject to appropriate conditions, if accepted it is also proposed to inform the applicant that any further requests for variation of conditions/extension of time are highly unlikely to be supported.

Conclusions and reasons for recommendation/decision

- The proposed variation of condition no. 4 on permission 2010/17206 would not cause additional material harm and would accord with policies MWA4 & MWA5 of the adopted Warrington UDP.
<table>
<thead>
<tr>
<th>Plans List</th>
<th>Item 6</th>
<th>04-Sep-2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Number:</td>
<td>2012/20604</td>
<td></td>
</tr>
<tr>
<td>Location:</td>
<td>Moss Side Farm, Silver Lane, Risley, Warrington, WA3 6BY</td>
<td></td>
</tr>
<tr>
<td>Ward:</td>
<td>Culcheth, Glazebury And Croft</td>
<td></td>
</tr>
<tr>
<td>Development:</td>
<td>Proposed extension of the existing leachate treatment facility to provide a new leachate discharge point accessed via Silver Lane at the former Risley Landfill site</td>
<td></td>
</tr>
<tr>
<td>Applicant:</td>
<td>Mr Biffa Waste Services Ltd.</td>
<td></td>
</tr>
<tr>
<td>Recommendation:</td>
<td>Approve subject to conditions</td>
<td></td>
</tr>
</tbody>
</table>

**Conditions:**
- **Standard Time limit -full 3 years**
- **In accordance with submitted plans/drawings**
- **All vehicle movements to be routed in accordance with the submitted vehicle routing strategy**

**Reasons for Referral**
- This application was received on 10th September 2012 and has been brought before Committee in conjunction with applications 2012/20365, 20366 & 20367 for Risley Landfill Site which are already on this agenda.

**Description**
- Waste disposal at Risley Landfill was completed on 19th October 2011 in accordance with planning permission 2010/17206 and the site is in process of restoration.

- As part of the sites environmental controls leachate is collected and treated prior to discharging the treated leachate to sewer thereby maintaining the leachate level in the landfill below the requirements of the site permit. At Risley this is done at the purpose built leachate treatment facility which avoids the need to tanker untreated leachate to a sewage treatment works. Whilst the waste disposal operations at the landfill site have ceased the waste deposit will continue to generate leachate for many years and as such Biffa are required to continue with the environmental controls for the leachate.
• Planning permission for a leachate treatment facility at Risley Landfill Site was granted in 1992 (under 92/28460) which successfully treats leachate prior to its discharge to sewer. The leachate treatment facility itself will be required on site for many years to continue to treat Risley’s leachate in accordance with planning permission 92/28460. Since the facility has been operational Biffa have imported leachate via the sites haul road from some of their other landfills to fully utilise any spare capacity at the facility.

• Upon cessation of landfilling, planning permission was granted under 2011/18957 to continue importing leachate via the haul road until the site was restored. This is subject to a separate planning application (2012/20366 on this agenda) to continue this operation until the site is fully restored or planning permission is gained under this application to provide the proposed new discharge point at the leachate treatment compound accessed via Silver Lane.

• This application seeks to provide a new discharge point whereby leachate would be imported and discharged to the leachate treatment compound via Silver Lane rather than by the haul road. The new discharge point includes an extension to the compound area including an additional hard standing (6 x 17m) for delivery tankers to connect to the new discharge point and discharge the leachate via a bunded tank into the existing leachate facility for treatment making use of the spare capacity within the facility. The compound extension area would be secured with a galvanised 1.8m high palisade fence to match the fencing to the existing compound and would be accessed via new gates in the southern elevation of the extension area.

• Deliveries would continue to only take place within the current opening hours of the site which are 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 on Saturdays. On average three deliveries per day are received. However, as the frequency of delivery is not uniform, there can be no deliveries for a couple of days and may be up to eight deliveries in one day. Deliveries would not access the site via Culcheth. Deliveries would access the site via Junction 11 of the M62 and through the Birchwood Park industrial estate via the A574 Birchwood Way, Daten Avenue, the A574 across the motorway and right into Silver Lane.

• Tankering the leachate from Biffa’s other landfill sites to waste water treatment works (WWTW’s) does not enable the removal of ammoniacal nitrogen (ammonia) as few WWTW’s currently possess a nitrification process. The ammonia would merely be diluted due to the large throughput of the works to enable it to be discharged to watercourses. The leachate treatment facility at Risley offers an environmental benefit through enabling the ammonia content to be reduced by approximately 90% through the specialist treatment process prior to its discharge to sewer under the discharge consent.
• Should planning permission be granted it is envisaged that the new discharge point and compound extension could be constructed and operational during 2013.

Location

• Risley Landfill Site, Silver Lane, Risley due north of M62 and accessed from junction 11.

Relevant History

• Refer to the report for 2012/20365 on this agenda for relevant site history.

Main Issues and Constraints

• The main issues are to continue maintaining leachate levels from the landfill in accordance with the site permit whilst mitigating environmental impacts in association with the need to achieve the successful restoration of the site in accordance with the approved scheme.

Key policy/guidance checklist

• The following national and regional guidance & policy is considered to be of background and strategic level relevance to this proposal:-

• National Planning Policy Framework

• Adopted Warrington UDP policies:-

| DCS1; LUT1; GRN2 REP1; REP10; MWA4; MWA5; | Relevant development control issues; transport priorities; environmental protection; waste management applications | Policies MWA4 & MWA5 require landfill sites to be restored to high standards with suitable provisions for aftercare. This application, in conjunction with applications 2012/20365, 20366 & 20367, accords therefore with policies MWA4 & MWA5 in that they seek to address continued site restoration and aftercare. |
Responses to consultation (Full details on file)

WBC Highways
No objection subject to conditioning access arrangements.

Further consultation responses are awaited on this application which will be verbally reported to Committee together with any additional neighbour responses received. The statutory consultation period does not expire until the day of Committee.

Responses to Notification (Full details on file)

2 responses received to date:

• We realise circumstances can change but the Hall Road that was built without planning permission has never been hidden from view, as was promised by Biffa approximately five years ago. Before any further planning permission is granted we hope that Biffa will build a bund to conceal Hall Road. Hopefully in the next three years we will finally see an end to this project and not receive further applications for planning permission.

• Since we have a waste dump at Risley which seems to be destined to operate as long as the operators wish because of the drop off in waste production rate, any objection to leachate treatment proposals seems to be ridiculous. Therefore I have no objections to this proposal.

Comment:

• WBC wishes to secure site restoration and completion as soon as is practically possible. It will be necessary, however, for treatment of leachate to continue for many years.

• Although the recommendations on all of the applications for Risley Landfill on this agenda are for approval, subject to appropriate conditions, if accepted it is also proposed to inform the applicant that any further requests for variation of conditions/ extension of time are highly unlikely to be supported.

Conclusions and reasons for recommendation/decision

• The proposed development would not cause additional material harm and would accord with policies MWA4 & MWA5 of the adopted Warrington UDP.
## DEVELOPMENT MANAGEMENT COMMITTEE

### Thursday 4th September 2012

### DECISIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Page</th>
<th>App number</th>
<th>App Location/Description</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3</td>
<td>2012/19820</td>
<td>LAND OFF TANNERY LANE, PENKETH, WARRINGTON, WA5 2UD</td>
<td>Refuse</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed stable block (resubmission of application 2012/19417)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>REFUSE AS REC</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>16</td>
<td>2012/20175</td>
<td>LAND AT DOEFDOWN CLOSE, CULCETH AND GLAZEBURY, WARRINGTON, WA3 4DL</td>
<td>Approve subject to Sec 106 Agreement</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed residential development comprising 26 dwellings (18 two storey detached and 8 mews type dwellings), access roads and landscape works</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>DEFER – SITE VISIT</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>53</td>
<td>2012/20365</td>
<td>RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY</td>
<td>Appr Co</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Proposed variation of condition 1 on permission 2011/18326 to require the compound, plant and machinery to be dismantled and removed from the site at least 8 weeks prior to site restoration (to allow site restoration in accordance with the approved restoration scheme)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>APPROVE WITH ADDITIONAL CONDITIONS</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>60</td>
<td>2012/20366</td>
<td>RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY</td>
<td>Appr Co</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Application for variation of conditions 2 &amp; 3 of permission 2011/18957 to extend completion of site restoration from 19th October 2012 until, or before,</td>
<td></td>
</tr>
</tbody>
</table>
31st March 2015 and allow continued importation of leachate via site haul road from 19th October 2012 until, or before, the final placement of restoration soils or the implementation of the leachate discharge point at the existing leachate treatment compound accessed via Silver Lane, whichever is the sooner.

APPROVE WITH ADDITIONAL CONDITIONS

<table>
<thead>
<tr>
<th>5</th>
<th>66</th>
<th>2012/20367</th>
<th>RISLEY LANDFILL SITE, SILVER LANE, WARRINGTON, WA3 6BY</th>
<th>Appr Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed variation of condition 4 on permission 2010/17206 to allow restoration of the site to be completed on or before 31st March 2015 in accordance with the approved scheme</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROVE WITH ADDITIONAL CONDITIONS

<table>
<thead>
<tr>
<th>6</th>
<th>71</th>
<th>2012/20604</th>
<th>MOSS SIDE FARM, SILVER LANE, RISLEY, WARRINGTON, WA3 6BY</th>
<th>Appr Co</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed extension of the existing leachate treatment facility to provide a new leachate discharge point accessed via Silver Lane at the former Risley Landfill site</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPROVE AS REC

SITE VISIT TO BE HELD ON FRIDAY 19TH OCT